

IN Pursuance of an Order
of the House of P E R S
of the Twenty Third Day of
March 1722 I do Appoint Jacob
Tousson to Print the Tryal of
Doctor Henry Sacheverell and
do Forbid any other Person to
Print the same.
COMPER C

T H E
T R A Y
O F

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of the House of P E E R S,
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COWPER C.

THE
T R Y A L

O F

Dr. *Henry Sacheverell,*

Before the

HOUSE of PEERS,

F O R

High Crimes and Misdemeanors;

U P O N A N

I M P E A C H M E N T

B Y T H E

Knights, Citizens and Burgesſes in Parlia-
ment Aſſembled, in the Name of them-
ſelves, and of all the Commons of *Great*
Britain: Begun in *Westminster-Hall* the
27th Day of *February*, 17⁹⁹₁₀, and from
thence continued by ſeveral Adjournments
until the 23d Day of *March* following.

Published by Order of the House of PEERS.

L O N D O N:

Printed for JACOB TONSON, at *Grays-Inn-Gate*
in *Grays-Inn-Lane*. 1710.



THE

THE RYAL
T R Y A L

Before the

DO. HON. OF THE

FOR

Beginning in Westminster Hall on Monday
February 27. 1710.
LONDON

THE RYAL

IN THE

Right of Civility and Justice in the
Court of the Honourable the Lord
Justices of the King, the Commons of Great
Britain, in the House of Commons, Hall the
27th Day of February 1710, and from
two and two continued by several Adjournments
The Clerk of the House of Commons, who was
of the Court in the said day of the following
The Manner in Company, two and two

Then the Lord

The Gentleman of the Black Rod

Then the Peers, who were seated with the

get together for Jacob Tonsen, at Gray-Inn-Gate

The Sergeant at Arms with his Mace

Then one of the High Sheriffs

THE TRYAL

OF

Dr. Henry Sacheverell.

Begun in *Westminster-Hall*, on *Monday*,

February 27, 17⁰⁹₁₀.

The First Day.

ABOUT Eleven of the Clock the Lords came from their own House into the Court Erected in *Westminster-Hall*, for the Tryal of *Henry Sacheverell*, Doctor in Divinity, in the manner following.

The Lord Chancellor's Gentlemen Attendants, two and two.

The Clerks of the House of Lords, with the Two Clerks of the Crown in the Courts of *Chancery* and *Kings-Bench*.

The Masters in *Chancery*, two and two.

Then the Judges.

The Peers Eldest Sons, and Peers Minors, two and two.

The Yeoman Usher of the House.

The Gentleman-Usher of the Black Rod.

Then the Peers, two and two, beginning with the youngest Barons.

The Serjeant at Arms with his Mace.

Then one of the Heralds.

Then the Lord Chancellor alone.

The Lords being Seated in the Place for that purpose prepared in *Westminster-Hall*; and the Commons in a Committee of the whole House being in the Seats prepared for them, and the Managers for the House being at their Lordships Bar, the Serjeant at Arms made Proclamations as follow.

Serjeant at Arms. Oyez! Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon pain of Imprisonment.

Serjeant at Arms. Oyez! *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, or thou forfeitest thy Recognizance.

Then Doctor *Henry Sacheverell* came to the Bar and kneeled, his Council, viz. *Sir Simon Harcourt*, *Mr. Dodd*, *Mr. Phipps*, *Mr. Dee*, and *Dr. Henckman*, standing near him at the Bar; and rising again by Direction of the Lord Chancellor, the Serjeant at Arms again made Proclamation as follows.

Serjeant at Arms. Oyez! Whereas a Charge of High Crimes and Misdemeanors has been Exhibited by the House of Commons, in the Name of themselves and all the Commons of *Great Britain*, against *Henry Sacheverell*, Doctor in Divinity; all Persons concerned are to take notice that he now stands upon his Tryal, and they may come forth in order to make good the said Charge.

Lord Chancellor. Doctor *Sacheverell*, it is needless to give you any Directions concerning your Behaviour during the time of your Tryal, or the ordering your Defence, because the Lords have not only allowed, but assigned you, the Council you desired, some both of the Civil and Common Law, who will be well able to direct and advise you, not only in the Substance but Form of your Defence. The Lords have also made an Order for Summoning all such Witnesses as you have propounded to appear for you. And that you might be the better able to provide for your Defence, you have had your Liberty on the first Application for it, and giving Security for your Appearance; you have also had all the Time you thought fit to desire, in order to prepare for your Defence: So that you ought ever to remember, that their Lordships have used towards you all the Indulgence you could reasonably expect.

Then the Clerk, by Direction of the Lord Chancellor, read the Articles of Impeachment, Doctor *Sacheverell's* Answer, and the Replication of the House of Commons, as follows.

ARTICLES *Exhibited by the Knights, Citizens and Burgesſes in Parliament aſſembled, in the Name of Themſelves and of all the Commons of Great Britain, againſt Henry Sacheverell, Doctor in Divinity, in Maintenance of their Impeachment againſt him for high Crimes and Misdemeanors.*

WHEREAS his late Maſteſty King *William* the Third, then Prince of *Orange*, did with an armed Force undertake a glorious Enterprize, for delivering this Kingdom from Popery and Arbitrary Power; and divers Subjects of this Realm, well affected to their Country, join'd with and aſſiſted his late Maſteſty in the ſaid Enterprize: And it having pleas'd Almighty God to Crown the ſame with Succeſs, the late happy Revolution did take effect and was Eſta- bliſh'd. And whereas the ſaid Glorious Enterprize is approv'd by ſeveral Acts of Parliament, and amongſt others, by an Act made in the firſt Year of the Reign of King *William* and Queen *Mary*, Entituled, *An Act, declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown*; and alſo by one other Act made in the ſame Year, Entituled, *An Act for preventing Vexatious Suits, againſt ſuch as acted in order to the bringing in their Maſteſties, or for their Service*; and alſo by one other Act made in the ſame Year, Entituled, *An Act for appropriating certain Duties for paying the States General of the United Provinces their Charges for his Maſteſty's Expedition into this Kingdom, and for other Uſes*: And the Actings of the ſaid well-affected Subjects in Aid and Purſuance of the ſaid Enterprize, are alſo declar'd to have been Neceſſary, and that the ſame ought to be Juſtified. And where- as the happy and bleſſed Conſequences of the ſaid Revolution are, the Enjoyment of the Light of God's true Religion Eſta- bliſh'd among us, and of the Laws and Liberties of the King- dom; the Uniting Her Maſteſty's Proteſtant Subjects in In- terest and Affection, by a legal Indulgence or Toleration granted to Diſſenters; the Preſervation of Her Maſteſty's Sa- cred Perſon; the many and continual Benefits ariſing from Her Maſteſty's Wiſe and Glorious Adminiſtration, and the Proſpect of Happineſs for future Ages, by the Settlement of the Succeſſion of the Crown in the Proteſtant Line, and the Union of the two Kingdoms. And whereas the Lords Spiritual and Temporal, and Commons in Parliament Aſſem-

bled, did, by their Address of the seventeenth of *December*, in the Year of our Lord One thousand seven hundred and five, lay before her Majesty the following Vote or Resolution, viz. *That the Church of England, as by Law Establish'd, which was rescued from the extreamest Danger by King William the Third, of Glorious Memory, is now, by God's Blessing, under the Happy Reign of Her Majesty in a most safe and flourishing Condition; and that whoever goes about to Suggest and Insinuate that the Church is in Danger under Her Majesty's Administration, is an Enemy to the Queen, the Church and the Kingdom:* And by their said Address, did humbly beseech Her Majesty to take Effectual Measures for making the said Vote or Resolution Publick, and also for Punishing the Authors and Spreaders of such Seditious and Scandalous Reports; and on the twentieth Day of the same *December*, Her Majesty was pleased to Issue Her Royal Proclamation accordingly: Yet nevertheless the said *Henry Sacheverell* Preach'd a Sermon at the Assizes held at *Derby*, *August* the fifteenth, in the Year of our Lord One thousand seven hundred and nine, and afterwards Publish'd the same in Print, with a Dedication thereof; and the said *Henry Sacheverell* also Preach'd a Sermon at the Cathedral Church of *St. Paul*, before the Lord Mayor, Aldermen, and Citizens of *London*, on the fifth Day of *November* last, being the Anniversary Thanksgiving to Almighty God, for the Deliverance from the *Gun-Powder Treason*, and for beginning the late Happy Revolution, by giving his late Majesty a safe Arrival here, and for completing the same, by making all Opposition fall before him, till he became our King and Governor; which said Sermon, he the said *Henry Sacheverell* afterwards likewise Publish'd in Print, with a Dedication thereof to Sir *Samuel Garrard*, Baronet, Lord Mayor of the City of *London*; and with a Wicked, Malicious, and Seditious Intention to Undermine and Subvert Her Majesty's Government and the Protestant Succession as by Law Establish'd, to defame Her Majesty's Administration; to Asperse the Memory of his late Majesty, to Traduce and Condemn the late Happy Revolution, to Contradict and Arraign the Resolutions of both Houses of Parliament, to create Jealousies and Divisions amongst Her Majesty's Subjects, and to incite them to Sedition and Rebellion:

ARTICLE I.

He, the said *Henry Sacheverell*, in his said Sermon Preach'd at *St. Paul's*, doth suggest and maintain, *That the necessary Means us'd to bring about the said Happy Revolution, were Odious and Unjustifiable: That his late Majesty, in his Declaration,*

tion, disclaim'd the least Imputation of Resistance; and that to impute Resistance to the said Revolution, is to cast Black and Odious Colours upon his late Majesty, and the said Revolution.

ARTICLE II.

He, the said *Henry Sacheverell*, in his said Sermon Preach'd at *St. Paul's*, doth suggest and maintain, *That the aforesaid Toleration, granted by Law, is unreasonable, and the Allowance of it Unwarrantable: And asserts, That he is a False Brother with relation to God, Religion or the Church, who defends Toleration and Liberty of Conscience; That Queen Elizabeth was deluded by Archbishop Grindall, whom he scurrilously calls a False Son of the Church, and a Perfidious Prelate to the Toleration of the Genevian Discipline: And that it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entitl'd to the Benefit of the said Toleration; and Insolently dares, or defies, any Power on Earth to Reverse such Sentences.*

ARTICLE III.

He, the said *Henry Sacheverell*, in his said Sermon Preach'd at *St. Paul's*, doth Falsely and Seditiously Suggest and Assert, *That the Church of England is in a Condition of great Peril and Adversity under Her Majesty's Administration; and in order to Arraign and Blacken the said Vote or Resolution of both Houses of Parliament, approv'd by Her Majesty as aforesaid, he, in opposition thereto, doth suggest the Church to be in Danger; and, as a Parallel, mentions a Vote, That the Person of King Charles the First was voted to be out of Danger, at the same time that his Murderers were conspiring his Death; thereby wickedly and maliciously insinuating, That the Members of both Houses, who pass'd the said Vote, were then conspiring the Ruin of the Church.*

ARTICLE IV.

He, the said *Henry Sacheverell*, in his said Sermons and Books, doth falsely and maliciously suggest, *That Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution: And that there are Men of Characters and Stations in Church and State who are False Brethren, and do themselves weaken, undermine and betray, and do encourage, and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment; and chargeth Her Majesty, and those in Authority under Her, both in Church and State, with a general Male-*
Admi-

Administration : And as a publick Incendiary, he perswades Her Majesty's Subjects to keep up a Distinction of Factions and Parties; instills groundless Jealousies, foment destructive Divisions among them, and excites and stirs them up to Arms and Violence: And that his said malicious and seditious Suggestions may make the stronger Impression upon the Minds of Her Majesty's Subjects, he the said Henry Sacheverell doth wickedly wrest and pervert divers Texts and Passages of Holy Scripture.

All which Crimes and Misdemeanors the Commons are ready to prove, not only by the general Scope of the same Sermons or Books, but likewise by several Clauses, Sentences and Expressions in the said Sermons or Books contain'd; and that he the said *Henry Sacheverell*, by Preaching the Sermons, and Publishing the Books aforesaid, did abuse his Holy Function, and hath most grievously offended against the Peace of Her Majesty, Her Crown and Dignity, the Rights and Liberties of the Subject, the Laws and Statutes of this Kingdom, and the Prosperity and good Government of the same. And the said Commons, by Protestation, saving to themselves the Liberty of Exhibiting, at any time hereafter, any other Article or Impeachment against the said *Henry Sacheverell*, and also of replying to his Answers, or any of them, and of offering Proofs of all the Premises, or any of them, and of any other Article or Impeachment that shall be Exhibited by them, as the Case according to Course of Parliament shall require, do pray that he the said *Henry Sacheverell* may be put to Answer to all and every the Premises; and that such Proceeding, Examination, Tryal, Judgment and Exemplary Punishment may be thereupon had and executed, as is agreeable to Law and Justice.

The ANSWER of Henry Sacheverell, Doctor in Divinity, to the ARTICLES Exhibited by the Knights, Citizens and Burgeses in Parliament Assembled, in the Name of themselves and of all the Commons of Great Britain, in Maintenance of their Impeachment against him for High Crimes and Misdemeanors.

THE said *Henry Sacheverell*, saving to himself all Advantages of Exception to the said Articles for the Generality, Uncertainty and Insufficiency thereof, and of not being prejudiced by any Words or want of Form
in

in this his Answer, admits, That at the Request of *George Sacheverell*, Esquire, High Sheriff of the County of *Derby*, he Preached a Sermon at the Assizes held for that County, on the fifteenth Day of *August*, One thousand seven hundred and nine; and that at the Desire of the Right Honourable Sir *Samuel Garrard*, Baronet, Lord Mayor of the City of *London*, he also Preached a Sermon at the Cathedral Church of *St. Paul*, before the said Lord Mayor, and the Aldermen and Citizens of *London*, on the fifth Day of *November* last; and that he caused the said Sermons to be Printed: But denies that he Preached, or caused the same to be Printed or Published, with any such wicked, malicious or seditious Intent, as in the Preamble of the said Articles is affirmed; the said *Henry Sacheverell* having been induced to Print the Sermon he preached at *Derby*, at the Request of the Gentlemen of the Grand Jury for that County, to whom he humbly presumed to Dedicate the same, as the most publick Acknowledgment he was capable of making, for the peculiar Honour he had receiv'd by their publick Approbation of that Sermon. And the said Lord Mayor having been pleased to express his good liking of the said Sermon Preach'd at *St. Paul's*, the said *Henry Sacheverell*, at his Request, caus'd the same to be Printed with a Dedication thereof to him. And for Answer to the said Articles humbly saith,

Answer to the First Article.

To the First Part of the First Article, the said *Henry Sacheverell* denies, that in his said Sermon Preached at *St. Paul's*, he doth suggest and maintain, that the necessary Means used to bring about the happy Revolution were Odious and Unjustifiable: Nor doth he in any Part of that Sermon affirm any thing concerning the necessary Means used to bring about the happy Revolution. The said *Henry Sacheverell* is so far from Reflecting on his late Majesty, or the happy Revolution, that he endeavours, in that Sermon, to clear the Revolution, and his late Majesty, from the black and odious Colours which their greatest Enemies had endeavoured to cast upon both.

And as to that Part of the said Article, whereby the said *Henry Sacheverell* is charged with suggesting and maintaining, that his late Majesty, in his Declaration, disclaimed the least Imputation of Resistance; the said *Henry Sacheverell* doth acknowledge himself to have made such Suggestion, and declares, that he made it not in Dishonour, but in Vindication of his said Majesty. The Resistance the said *Henry Sacheverell* represents the late King to have disclaimed, being such a Resistance as tended to the Conquest of this Realm, as plain-ly

ly appears from that part of his late Majesty's Declaration which is referr'd to, and *verbatim* set forth at the bottom of the same Page, in which he mentions his late Majesty's disclaiming any such Imputation.

Whether the said *Henry Sacheverell* was mistaken or not, in expressing himself as if the late King had disclaimed any Imputation of Resistance, when he the said *Henry Sacheverell* meant thereby, that the late King disclaimed the Imputation of a Design of Conquest, he humbly conceives, such a Suggestion by him, plainly design'd for the Honour of the late King, cannot in any reasonable Construction be thought a Reflection on his said Majesty, or deemed any Crime or Misdemeanor.

For the further Justification of what the said *Henry Sacheverell* said in reference to his late Majesty's having disclaim'd any the least Imputation of Resistance, the said *Henry Sacheverell* humbly observes, That in his late Majesty's Declaration, the following Passages are contain'd; *We have thought fit to go over to England, and to carry over with us a Force sufficient, by the Blessing of God, to defend our selves from the Violence of Evil Counsellors. — We think fit to declare, that this our Expedition is intended for no other Design but to have a free and lawful Parliament Assembled.*

As to the last Charge in the said Article, the said *Henry Sacheverell* denies, that he doth in his said Sermon suggest and maintain, that to impute Resistance to the said Revolution, is to cast Black and Odious Colours upon his late Majesty and the said Revolution; the Persons whom the said *Henry Sacheverell* in his Sermon describes, as casting Black and Odious Colours upon his late Majesty and the Revolution, are not those who impute Resistance to the late Revolution, of whom the said *Henry Sacheverell* affirms nothing, but those new Preachers, and new Politicians, who teach, in contradiction to both Gospel and the Laws, that the People have the Power vested in them, the Fountain and Original of it, to cancel their Allegiance at their Pleasure, and to call their Sovereign to account for High Treason against his Subjects, nay, and to Dethrone and Murther him for a Criminal, as they did the Royal Martyr by a Judiciary Sentence; who are Maintainers of Antimonarchical Schemes, and of such damnable Positions as are, by the Laws of Church and State, condemned for Rebellion and High Treason; and who urge the Revolution in Defence of such Principles: Unless therefore those who impute Resistance to the Revolution, be the same with those new Preachers and new Politicians above specified, the said *Henry Sacheverell* affirms nothing concerning them.

The said *Henry Sacheverell*, upon the strictest Search into his said Sermon Preached at St. Paul's, doth not find that he
hath

hath given any the least colourable Pretence for the Accu-
sation exhibited against him in this first Article, but barely
by his Asserting the utter Illegality of Resistance to the Su-
pream Power, upon any Pretence whatsoever; for which
Assertion, he humbly conceives he hath the Authority of
the Church of *England*, which in divers Passages of her Ho-
milies, too large and too numerous to be here specified, but
by the said *Henry Sacheverell* ready to be produced, hath
taught and inculcated this Doctrine as founded on the Word
of God, particularly in the second Part of the Sermon of
Obedience, contained in the former Book of Homilies set
forth in the Time of King *Edward* the Sixth, where are
these Words: *Here, good People, let us all mark diligently:*
It is not lawful for Inferiors and Subjects in any Case to resist
and stand against the Superior Powers; for St. Paul's Words
be plain, that whosoever withstandeth, shall get to themselves
Damnation; for whosoever withstandeth, withstandeth the Or-
dinance of God.

Which said Book of Homilies is affirmed, in one of the
Thirty Nine Articles of Religion, which concern the Con-
fession of the true Christian Faith, to contain a godly and
wholsome Doctrine, and is ordered to be read in Churches,
by the Ministers diligently and distinctly, that they may be
understanded of the People. And the said *Henry Sacheverell*,
in further Maintenance of the said Doctrine and Position,
contained in the Books of Homilies, and of the Authority
of those Books, saith, That by an Act of Parliament made
in the thirteenth Year of the Reign of Queen *Elizabeth*, En-
tituled, *An Act for the Ministers of the Church to be of sound*
Religion, 'Tis Enacted, *That no Person should thereafter be*
admitted to any Benefice with Cure, except he should first have
subscribed the said Articles in the Presence of the Ordinary,
and publicly read the same in the Parish Church of that Bene-
fice, with Declaration of his unfeigned Assent to the same.
And that by an Act made in the fifth Year of her present
Majesty's Reign, Entituled, *An Act for securing the Church of*
England as by Law Establish'd, It was Enacted, *That the*
said Act made in the said thirteenth Year of the Reign of Queen
Elizabeth, should remain and be in full Force for ever; and be
inserted in expresse Terms in any Act which should be made,
for ratifying the Union of the two Kingdoms of England and
Scotland; and therein declared to be an Essential and Funda-
mental Part thereof. And the said Act was accordingly in-
serted in expresse Terms, in an Act for the Union of the two
Kingdoms; and thereby ratify'd, and declar'd to be an Essen-
tial and Fundamental Part thereof.

And the said *Henry Sacheverell* doth further humbly insist,
and is advis'd, that the aforesaid Assertion is agreeable to,
and

and warranted by, the Common Law of *England*, and divers Acts of Parliament now remaining in full force.

The said *Henry Sacheverell* doth with all Humility aver the Illegality of Resistance on any Pretence whatsoever to be the Doctrine of the Church of *England*, and to have been the general Opinion of our most Orthodox and able Divines, from the Time of the Reformation to this Day; this Doctrine hath in the most solemn manner been Taught in that University, whereof he hath been for more than Twenty Years a Member; this hath been often, with Publick Approbation of each House of Parliament, Preached and Printed; and in Terms of greater force than any us'd by the said *Henry Sacheverell*, hath by the Right Reverend Fathers of our Church, Dead and Living, been avow'd and maintain'd.

And the said *Henry Sacheverell* was the rather induc'd to Preach against the Doctrine of Resistance of the Supreme Power upon the Fifth Day of *November*, because on that Day the Church Commemorates our Deliverance from the Traiterous Attempts of Rebellious Papists, and because the Lawfulness of Resisting the Supreme Power was Originally a Popish Doctrine; for which Reasons, as he humbly conceives, the Rubrick of the Office appointed for that Day by her late Majesty Queen *Mary* (of Blessed Memory) directs, That after the Creed, if there be no Sermon, shall be Read one of the Six Homilies against Rebellion.

Whilst therefore the Church of *England* as by Law Established is in a safe and flourishing Condition under Her Majesty's happy Administration, whilst Popish Tenets are by all good Protestants Condemn'd and Abhorr'd, whilst the Laws of this Realm continue in their full Force and Vigour, the said *Henry Sacheverell* humbly hopes, that a Dutiful Son of that Church, a sincere Protestant, and a faithful Subject of Her Majesty, shall not suffer for Asserting the Doctrine of Non-Resistance of the Supreme Powers. But if this Doctrine be declared Erroneous, and it should please God that he should suffer for Asserting it, he trusts that God will enable him to shew his steady Belief of this Doctrine, by a meek and patient Resignation to whatever shall befall him on that Account.

Answer to the Second Article.

To that Part of the Second Article, which charges that he the said *Henry Sacheverell* doth suggest and maintain, *That the Toleration granted by Law is Unreasonable, and the Allowance of it Unwarrantable*; the said *Henry Sacheverell* saith, That, upon the most diligent Enquiry, he has not been able

to inform himself, that a Toleration hath been granted by Law; but admits, that an Act did pass in the first Year of King *William* and Queen *Mary*, Entituled, *An Act for Exempting their Majesties Protestant Subjects Dissenting from the Church of England from the Penalties of certain Laws*. Which Exemption the said *Henry Sacheverell* doth not any where maintain or suggest to be unreasonable, or that the Allowance of it is unwarrantable; but hop'd, that he had prevented any such Misapprehension, by declaring his sincere Meaning in these Words, contain'd in his Sermon Preach'd at *St. Paul's*;

I would not be here misunderstood, as if I intended to cast the least Invidious Reflection upon that Indulgence which the Government had condescended to give them, which I am sure all those who wish well to our Church are ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescribed.

If there be any other Expressions concerning Toleration, which may seem to carry a dubious Sense in any other Parts of his Sermon, he hopes that they will not be applied to the Exemption granted by Law, but will be Interpreted agreeably to his avowed Approbation of that Law.

And to such Part of the said Second Article, as charges that he the said *Henry Sacheverell* Asserts, *That he is a false Brother, with relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience*; he the said *Henry Sacheverell* saith, That he having so plainly declared himself, in favour of the Exemption granted by Law, when he blames those, who, upon all occasions, defend Toleration and Liberty of Conscience, cannot be thought to Reflect on the Defenders of that Legal Exemption or Indulgence which he himself Approves and Defends: He doth indeed suggest it to be one part of the Character of a False Brother, *upon all occasions to defend Toleration and Liberty of Conscience*; and, to excuse the Separation, lay the Fault upon the true Sons of the Church, for carrying Matters too high. Which Universal Defence of Toleration, and Excuse of Separation, attended with the laying the Fault of such Separation upon the true Sons of the Church, are by him jointly mentioned in one and the same Clause of the Sentence, and in one and the same Branch of the Character. So that his Reflexion doth not extend to all who defend Toleration and Liberty of Conscience, much less to those who defend the Exemption granted by Law to Protestant Dissenters; but to such only, who at the same time they defend universal Toleration and Liberty of Conscience, do also Excuse the Separation, and lay the Fault thereof upon the true Sons of the Church, for carrying Matters too high. And these he did then, and still doth, with
all

all Humility, conceive to be justly blameable, and if Members of this Church, to be False Brethren.

And as to that Part of the second Article, whereby the said *Henry Sacheverell* is charged with Asserting, *That Queen Elizabeth was deluded by Archbishop Grindall, to the Toleration of the Genevian Discipline*; he the said *Henry Sacheverell* saith, He humbly conceives he hath good Authority from the Histories and Monuments of those Times for such Assertion; but whether he hath, or hath not, he humbly apprehends such Assertion to be no Proof of his maintaining or suggesting, That the Exemption of Protestant Subjects Dissenting from the Church of *England* from the Penalties of certain Laws, granted by an Act made in the First Year of the Reign of King *William* and Queen *Mary*, (which Exemption he supposes to be intended by the Legal Indulgence or Toleration Granted to Dissenters, mentioned in the Preamble of the Articles, and by the Toleration granted by Law, mention'd in this second Article) is Unreasonable, or the Allowance of it unwarrantable. For he is humbly of Opinion, that there is a wide and manifest Difference between a Toleration of the *Genevian* Discipline, and an Exemption of Protestant Dissenters from the Penalties of certain Laws; between a Toleration allowed meerly by the Regal Power, and an Exemption granted by Act of Parliament; which Exemption he is so far from thinking Unreasonable or Unwarrantable, that from the bottom of his Heart he wisheth it, under the same Restrictions and Limitations, extended to all Her Majesty's Protestant Subjects throughout the whole Kingdom of *Great Britain*.

And as to such Part of the Second Article, whereby the said *Henry Sacheverell* is charged with scurrilously calling the said Archbishop Grindall a false Son of the Church, and a perfidious Prelate; the said *Henry Sacheverell* humbly hopes, that any harsh Expressions he hath used concerning that Prelate may be rather excused, because the said Archbishop having permitted Innovations to be obtruded on the Church, did thereby incur the high Displeasure of so good and pious a Prince as Queen *Elizabeth*, by whose Order he was Suspended, and continued under such Suspension to the Day of his Death. However, the said *Henry Sacheverell* presumes, that no Words spoken of an Archbishop above one hundred and twenty Years since Deceas'd, will, in Construction of Law, amount to an high Crime and Misdemeanor.

And as to such Part of the Second Article, whereby the said *Henry Sacheverell* is charged with maintaining, *That it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons Entitled to the Benefit of the said Toleration*; he the said *Henry Sacheverell* saith, That he doth
not

not maintain or suggest that it is the Duty of Superior Pastors to thunder out Ecclesiastical *Anathema's* against Persons Entituled to the Benefit of the Toleration; which Persons, where he speaks of such *Anathema's*, are neither by him mention'd nor intended; but if the Expressions by him unapplied to any, must be determin'd to any one sort of Persons, he humbly conceives, that the Connection of his Discourse will determine them to *those Schismatical and Factionous Persons, who take Permission for Power, and advance Toleration immediately into an Establishment*; and such Schismatical and Factionous Persons, he humbly apprehends, are not the Persons Entituled to the Benefit of the Act of Exemption, which was designed only to give some Ease to scrupulous Consciences in the Exercise of their Religion.

And as to the last Part of the second Article, whereby the said *Henry Sacheverell* is charged *with insolently daring or defying any Power on Earth to Reverse such Sentences*; the said *Henry Sacheverell* saith, That the Sentence which he the said *Henry Sacheverell* dares any Power on Earth to Reverse, is such, and such only, as is Ratified in Heaven; and such Sentence he still affirms to be by any earthly Power Irreversible: and hopes it will not be thought Insolence in him to affirm, what he conceives would be Blasphemy in any one to deny: And doth further acknowledge himself firmly to believe, that some Sentences Pronounced by the Pastors of the Church are Ratify'd in Heaven; and that some Persons exempted from Punishment by the particular Laws of the Land, may yet by the Laws of Christ be justly liable to such Sentence; and that Schism, or a causeless Separation from a Church imposing no sinful Terms of Communion, is a Sin, which exposes the Persons guilty thereof to the Censures of the Church.

Answer to the Third Article.

As to so much of the Third Article, as charges the said *Henry Sacheverell*, *That he doth falsely and seditiously suggest and assert, that the Church of England is in a condition of great Peril and Adversity under her Majesty's Administration; and that, in order to Arraign and Blacken the said Vote and Resolution of both Houses of Parliament, approved by her Majesty, he, in opposition thereto, doth suggest the Church to be in Danger*: The said *Henry Sacheverell* denies that he hath either asserted or suggested the Church of England to be in a condition of great Peril and Adversity under her Majesty's Administration, but he doth freely acknowledge, that he hath in his Sermon suggested that *when National Sins are repined up to a*

full Maturity, to call down Vengeance from Providence on a Church and Kingdom, debauched in Principles, and corrupted in Manners, and instead of the true Faith, Discipline and Worship, given over to all Licentiousness both in Opinion and Practice, to all Sensuality, Hypocrisie, Lewdness and Atheism, then we (that is Evidently) all the Members of such a Church or Kingdom, are in Danger in such deplorable Circumstances: And this Suggestion of Danger arising to a Church and Kingdom from Vice and Infidelity, he humbly presumes is not opposite to the Vote of the two Houses, or Seditious, but intirely agreeable to what is solemnly declared in an Act of Parliament made the ninth and tenth of his late Majesty King William the Third, for the more effectual suppressing of Blasphemy and Prophaneness, wherein it is affirmed, *That many Persons had of late Years openly avowed and Published many Blasphemous and Impious Opinions, contrary to the Doctrines and Principles of the Christian Religion; greatly tending to the Dishonour of Almighty God, which might prove destructive to the Peace and Welfare of this Kingdom:* And he conceives, that since the Passing that Act, the detestable Crimes for the effectual suppressing of which that Act was intended, have greatly increased. And the said Henry Sacheverell saith, the Suggestions by him made of Dangers arising to us from Vice and Infidelity, he apprehends to be in no wise more Seditious or repugnant to the Vote of the two Houses approv'd by Her Majesty, than the like Suggestions occurring in the solemn Prayers of the Church Authorized by Her Majesty, and frequently used before each House of Parliament, wherein we beseech God, *that no Sedition may disturb this State, nor Schism distract this Church; and that he would give us Grace seriously to lay to Heart the great Dangers we are in by our unhappy Divisions.*

And as to so much of the said third Article, whereby 'tis charged, *that the said Henry Sacheverell, as a Parallel, mentions a Vote, That the Person of King Charles the First was voted to be out of Danger, at the same time that his Murderers were conspiring his Death; thereby wickedly and maliciously insinuating, that the Members of both Houses, who passed the said Vote, were then conspiring the Ruin of the Church;* he the said Henry Sacheverell doth say, That he doth not draw any Parallel between the Vote concerning the King's Person, and the late Vote of the two Houses, which he neither there, nor elsewhere in his Sermon, mentions: But had he suggested one Vote to be Parallel to the other, which he hath not, yet would he not thereby have wickedly and maliciously insinuated, that the Members of both Houses, who passed the late Vote, were then Conspiring the Ruin of the Church, but would only have intimated, that as some Per-
sons

sons were Conspiring the Murder of the King, whilst others, no ways privy to their wicked Intentions, voted his Person to be out of Danger; so when the Two Houses voted the Church of *England* to be in no Danger under Her Majesty's Administration, there might be some others who were conspiring the Ruin of the Church; and many others, who, by their Vice and Infidelity, were drawing down God's Vengeance both on Church and Kingdom.

As the Vote of both Houses, made four Years ago, did concern those only who did then insinuate the Church of *England* to be in Danger under Her Majesty's Administration; so it cannot, he presumes, affect those who do now suggest the Christian Faith, which is the Foundation upon which every Christian Church stands, to be Endangered by those Atheistical and Irreligious Principles which are daily from the Press propagated amongst us, notwithstanding the Provision made by the said Act for suppressing Blasphemy and Prophaneness: So that the said *Henry Sacheverell* thinks, that he might with Truth Affirm (as he did in his Sermon preach'd at *Derby*) *That there were never such outrageous Blasphemies against God and all Religion, Natural as well as Revealed, vented publickly with Impunity, in any Christian Church or Kingdom in the whole World, as at present in our own*; of which Assertion the said *Henry Sacheverell* is ready to produce undeniable and ample Proofs, if call'd thereto.

Answer to the Fourth Article.

As to the Fourth Article, it contains several Charges of a very high and Criminal Nature, of which the said *Henry Sacheverell* knows his Heart be Intirely Innocent; and he observes with Comfort, That whereas in the former three Articles he is said to have maintained or asserted, as well as to have suggested, the Doctrines and Things therein laid to his Charge, in this fourth Article he is not accused of maintaining and asserting, but barely of Suggesting what is therein contained: And he humbly hopes, that bare Suggestions or Insinuations, could they with any Colour or Probability be made out, as he is fully satisfied they cannot, will not, under the most Mild and Gracious Government, (at a Time when several new Laws have been made for securing the Liberties of the Subject) by your Lordships, the great Guardians of our Laws and Liberties, be adjudged sufficient to involve an *English* Subject in the Guilt and Punishment of high Crimes and Misdemeanors.

To the several Parts of the said fourth Article, the said *Henry Sacheverell* doth in all Humility answer; as to such Part thereof whereby it is charged *That the said Henry Sacheverell,*

in his said Sermons and Books, doth falsely and maliciously suggest that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; he the said Henry Sacheverell saith, That he hath not made any Mention, in either of his Books or Sermons, of Her Majesty's Administration in Ecclesiastical or Civil Affairs, or of Her Ministers: So far is he from suggesting that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution, that amongst the inestimable Blessings which are owing to our Deliverance Annually Commemorated on the fifth of November he reckons this to be one, That Her Majesty, the Good and Pious Relict of the Royal Family, sits now happily upon the Throne of her Ancestors; and prays that God may long preserve Her, for the Comfort and Support of the Church; and professeth, that what he spoke proceeded from a tender Concern for Her Majesty's Person and Government: And in the Dedication also of his said Sermon Preached at St. Pauls, solemnly declares, as he did before in his Discourse, That his only Aim and Intention was earnestly to contend for the Safety, Rights and Establishment of Her Majesty, together with those of the Church.

And as to such Part of the said fourth Article, whereby it is charged That the said Henry Sacheverell doth suggest that there are Men of Characters and Stations in the Church who are false Brethren; the said Henry Sacheverell saith, That the false Brethren, as described by him in his Sermon, are either those who propagate False Doctrines, or who give up the Discipline and Worship of the Church, or who are for a Neutrality in Religion, or who wish well to the Church of England, and are ready to Sacrifice their Persons and Estates in her Vindication, but do not shew their Zeal in the Communion of the Church, as well as for it, in Obeying her Precepts, as well as Defending her Rights. These being the several sorts of False Brethren Enumerated by the said Henry Sacheverell, if he should have suggested that there are Men of Characters and Stations in Church and State (Words by no means restrained to the highest Characters and Stations) to whom the Denomination of False Brethren, in some one or more Senses of that Word, as by him Interpreted, doth belong, he humbly hopes that such Suggestion would not be deemed False, Malicious, or highly Criminal.

And as to such other Part of the said fourth Article, whereby it is charged That the said Henry Sacheverell doth suggest That there are Men of Characters and Stations in the Church and State, who do themselves weaken, undermine and betray, and do encourage and put it into the Power of others who are professed Enemies, to overturn and destroy the Constitution and Establishment; the said Henry Sacheverell denieth that he Sug-

gesteth

gesteth any such Things concerning Men of Characters and Stations in Church or State. Where he speaks of those who *weaken, undermine and betray, and encourage and put it in the Power of our professed Enemies to overturn and destroy the Constitution and Establishment*, there Men of Characters and Stations are not mention'd by him; and where he mentions Men of Characters and Stations, twelve Pages afterwards, the only Place wherein he mentions them, there he speaks nothing of weakning, undermining and betraying, or of encouraging and putting it in the Power of our professed Enemies to overturn and destroy the Constitution and Establishment: And hopes therefore that he shall be no ways answerable for a suppos'd Reflection, which depends upon the Conjunction of Passages so widely distant from, and so little relating to each other. The Weakners, Underminers and Betrayers of our Constitution, and the Encouragers, to whom the said *Henry Sacheverell* doth in any Part of his Sermon refer, will, he presumes, upon a candid Examination of those Passages, appear to be one of these Three Sorts of Persons; either, *First, such as by their Writings endeavour to subvert the Foundations of our Church and State; Or, Secondly, such whether Writers or others who are for a Latitudinarian Heterogeneous Mixture of all Persons of what different Faith soever, uniting only in Protestancy, which would let into her Bowels those who neither believe her Faith, own her Mission, submit to her Discipline, or comply with her Liturgy, which he afterwards stiles the Model of an universal Coalition; Or, Thirdly, those Occasional Conformists, who have so far eluded the Corporation and Test Acts by their abominable Hypocrisie, as to have undermined the Foundations, and endangered the Government, by filling it (as far they could) with its profess'd Enemies, that is with themselves.* Of all these, and their Encouragers, the said *Henry Sacheverell* confesses himself to have suggested that they do, in his Opinion, weaken, undermine, and betray the Constitution: But that either these, or their Encouragers, are Men of Characters or Stations in the Church or State, he hath not any were suggested.

And as to such other Part of the said fourth Article, which chargeth the said *Henry Sacheverell* with *charging Her Majesty, and those in Authority under Her both in Church and State, with a general Male-Administration*; the said *Henry Sacheverell* saith, That he abhors the Thoughts of bringing any Charge against Her Sacred Majesty, whom he never mentions but in Terms of the profoundest Duty and Respect. Nor doth he tax those in Authority with a General or with any Male-Administration, which is a Word he hath never us'd, nor as far as he can find any other Word or Words by which the Thing is imply'd. So far is the said *Henry Sacheverell* from

making any Undutiful Reflections upon Her Majesty or Her Administration, that in the several Writings that he has Publish'd, since Her happy Accession to the Throne, particularly in one which is an avow'd Defence of Her Title to the Crown, and a Justification of Her entring into a War with France and Spain, he hath expressed himself with the most Hearty and Loyal Zeal for Her Majesty's Person, Government and Administration.

And as to such other Part of the said fourth Article, whereby it is charged, *That the said Henry Sacheverell, as a publick Incendiary, perswades her Majesty's Subjects to keep up a Distinction of Factions and Parties*; the said Henry Sacheverell saith, That he is so far from being guilty of this Charge, that in his said Sermon *he invites the Separatists to renounce their Schism, and come sincerely into the Church; and complains of those who have villainously divided us with the Knavish Distinctions of High and Low-Church-Men, and wishes we might be one Fold under one Shepherd, and that all those invidious Distinctions, that now distract and confound us, were lost, so that we might be terrible like an Army with Banners to our Enemies, who could never break in upon such an uniform and well-compacted Body.*

And to such other Part of the said fourth Article, as charges, *That the said Henry Sacheverell instills groundless Jealousies, and foment destructive Divisions among her Majesty's Subjects*; the said Henry Sacheverell saith, That in his said Sermon, *he on the contrary Rebukes and Condemns those, who, by false Insinuations, and raising groundless Jealousies and Fears, imbroid the Publick, and bring it into Confusion.*

And as to such other Part of the said fourth Article, whereby it is charged, *That the said Henry Sacheverell excites and stirs up her Majesty's Subjects to Arms and Violence*; the said Henry Sacheverell saith, God forbid that he should be guilty of so heinous a Crime, who Asserts the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever; which Assertion he conceives To be the Chief, if not Only Ground of the Charge exhibited against him in the first Article.

In Confutation of this Charge, he begs leave to recite one Passage out of his Sermon preached at Derby in the following Words; *We may be Partakers of other Mens Sins, if we do not, to the utmost of our Power, endeavour to prevent or obstruct their Commission, when they manifestly endanger the Good of the Publick: As we are Members of any Government, or Society, we are all obliged in point of Honour, Interest and Conscience, to maintain its Security, promote its Welfare, and guard it against factious Designs, or seditious Conspiracies, that may threaten its Constitution, discompose its Peace, or violate and*
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subvert its Laws. God and Nature have invested every Subject, from his Cradle, with a Commission to Engage, Discover and Disappoint the Enemies of his Church and Country; and he that is either privy to, industriously conceals, or any way abetts their Schismatical, Illegal or Rebellious Enterprizes, both in the Eyes of Human as well as Divine Laws, is an Accomplice and Partaker in the Guilt, a Traitor to God and his Prince, a Patron and Protector of Injustice, and a common Adversary to himself as well as all Mankind: And the said Henry Sacheverell hopes, what he hath said in the Dedication of the same Sermon, *That there are not wanting some to Preach the Truth, and others to support it at the Expence of their Lives and Fortunes,* will not be construed as exciting Her Majesty's Subjects to Sedition and Rebellion, since that Truth which he commends some for Preaching, and others for Supporting, is by him opposed to the Attempts of those who betray and run down the Principles and Interests of our Church and Constitution; and since he there deservedly Commends the High Sheriff of that County, on the Account of his Steady Loyalty and Zeal to serve her Majesty and the Government, for which he hath been so remarkably distinguished.

In the Sermon Preach'd at St. Pauls, he doth indeed excite Christians to put on the whole Armour of God, as wrestling, not only against Flesh and Blood, but against Principalities, against Powers, against the Rulers of the Darkness of this World; against Spiritual Wickedness in high Places. But he hath learned from the same St. Paul, That the Arms of Resistance taken up by Subjects against the higher Powers are no part of that Spiritual Armour; and the Principalities and Powers by him mention'd, being plainly distinguished from Flesh and Blood, cannot, he thinks, be so far misinterpreted, as to be understood of Earthly Potentates and Rulers.

And as to so much of the said fourth Article, whereby it is charged that he the said Henry Sacheverell doth wickedly wrest and pervert divers Texts and Passages of Holy Scripture, that his said malicious and seditious Suggestions may make the stronger Impression upon the Minds of her Majesty's Subjects; the said Henry Sacheverell says, That having no malicious or seditious Suggestions to Imprint, he could not intend to wrest any Passages of the Holy Scripture to that wicked Purpose. Hard is the Lot of the Ministers of the Gospel, if when they Cite the Word of God in their General Exhortations to Piety and Virtue, or in their Reproofs of Mens Transgressions, or where they are Lamenting the Difficulties and Conflicts with which the Church of Christ, whilst Militant here on Earth, must always struggle, the several Texts and Passages by them Cited shall be said to have been by them meant of particular Persons and Things,

and shall be construed in the most Criminal Sense, and be made by such Construction one Ground of an Impeachment for High Crimes and Misdemeanors.

And as to all other Matters and Things in the said Articles contain'd, and not herein before particularly answered unto, the said *Henry Sacheverell* saith, he is not Guilty of them, or any of them, in Manner and Form as the same are charged upon him in and by the said Articles, and humbly submits himself to your Lordships Judgment.

HENRY SACHEVERELL.

*The Commons Replication to the Answer of
Doctor Henry Sacheverell.*

THE Commons have considered the Answer of *Henry Sacheverell*, Doctor in Divinity, to the Articles of Impeachment exhibited against him by the Knights, Citizens and Burgesses in Parliament Assembled; and observe, that there are many things in it not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge of the Commons, unbecoming a Person Impeached, and plainly designed to Reflect upon the Honour of the House of Commons in this Proceeding, for which they might demand your Lordships immediate Justice.

But the Commons being sensible that the Nature of the Crimes whereof he stands Impeached, and the Necessity of bringing him to a speedy and exemplary Punishment, require that all Occasions of Delay should be avoided, and not doubting that your Lordships will in due time vindicate the Honour of the Commons, and the Justice of their Proceeding; the Commons do aver their Charge against the said *Henry Sacheverell* for High Crimes and Misdemeanors to be true, and that the said *Henry Sacheverell* is Guilty in such manner as he stands Impeached, and that the Commons will be ready to prove their Charge against him at such convenient Time as shall be appointed for that purpose.

Lord Chancellor. Gentlemen of the House of Commons, you may proceed with your Evidence.

Mr. Attorney General. MY Lords, by Command of the Knights, Citizens and Burgesses in Parliament Assembled, we appear, in behalf of all the Commons of Great Britain, to make good the Impeachment against the Prisoner at the Bar, Doctor *Henry Sacheverell*.

The

The Misdemeanors he stands accused of are specified in the Articles which have just now been read to your Lordships, and the Facts there Charged are Laid to have been done with a Wicked, Malicious, Seditious Intention, to Undermine and Subvert Her Majesty's Government, and the Protestant Succession as by Law Established, to Defame Her Majesty's Administration, to Asperse the Memory of his late Majesty King *William*, to Traduce and Condemn the late happy Revolution, to Contradict and Arraign the Resolution of both Houses of Parliament, to create Jealousies and Divisions amongst Her Majesty's Subjects, and to incite them to Sedition and Rebellion.

My Lords, If this Charge is made good (as I am apt to think it will) I may presume to say no Words can either aggravate or alleviate the Offence.

My Lords, Our Proofs in this Case will arise from Evidence which cannot be liable to the Imputation of being overaw'd by the weight of the Prosecutors, or corrupted or perverted; for out of his own Mouth we shall Charge him, and by his own Words and Sermons we shall convict him.

My Lords, I can with Truth say, that it is no small Trouble to the Commons of *Great Britain*, to have this Occasion of coming in this manner before your Lordships: Could they have satisfy'd themselves that Her Majesty's Honour, the Safety of Her People, and the Protestant Succession as by Law Established, were not highly concerned to bring this Man to speedy Justice, they could very willingly have spared Your Lordships this Trouble.

But when they consider'd of what Import it was to the Nation, how much it concerned the very Being of our Constitution, to Discountenance and put an End to such sort of Seditious Proceedings, as the Doctor and some others of his Brethren have been lately practising in divers Parts of the Kingdom, they could not think otherwise than that it was a matter fit for the grand Inquest of the Nation to take notice of; and finding it to be a Cause of so great Moment to the Publick, they judg'd it fit to be taken under their own Management, and not trust it to the Decision of any Inferior Tribunal. And, my Lords, it must be agreed that your Lordships are the only proper Judges, when the whole Commons of *Great Britain* find it necessary to be the Prosecutors; nor can Doctor *Sacheverell* have any just Cause to complain of this manner of Proceeding, when it gives him so publick an Opportunity of Defending himself (if his Innocence can clear him;) and what can he desire more, when he lies under so heavy an Accusation, than to have your Lordships for his Judges, who have already shewn your great Indulgence to him, by allowing him (as the Noble Lord from the Woolpack just now observ'd)

all the Advantages a Man under his Circumstances can ask, or desire to have.

My Lords, This Prosecution took its Rise from a Complaint that was made in the House of Commons the thirteenth of *December* last, of two Books which had been lately Printed and Published under the Name of Doctor *Henry Sacheverell*: The Books being delivered in, several Paragraphs were read, and by divers Passages, too many for me now to enumerate to your Lordships, it did plainly appear that both Books did contain very scandalous and seditious Matter, highly reflecting upon the Queen and Her Administration.

Hereupon the Doctor was Ordered to Attend; which he did accordingly the next Day, and at the Bar of the Commons House own'd and avow'd both Books to be his, That they were Sermons he himself had Preach'd, and that he had caused them to be Printed and Published.

After such a Confession, your Lordships may imagine Her Majesty's Dutiful Commons did express their just Resentments of the great Wrong and Injuries that were done to Her Majesty, and all that were in Authority under Her, and immediately Ordered this Impeachment.

Your Lordships will perceive, by Perusal of the Sermons and Epistles Dedicatory, that the Design and Drift of the same is to possess the People with strange Notions, and terrible Apprehensions of the Danger they are in by a General Male-Administration of the Publick Affairs both in Church and State.

That both these Sermons were Preach'd upon publick Occasions, and had, since the Printing thereof, been handed about with more than ordinary Application.

One of these Books is Entitled [*The Communication of Sin*] being a Sermon Preach'd at the Assizes held at *Derby* in *August* last; and because the Doctor thought he had not said enough against the Queen and Her Government in the Sermon, he affixes a Dedication to it, wherein he affirms That the Principles of our Church and Constitution are shamefully betray'd and run down; that both are persecuted, on the one side by rude and presumptuous Insults, and base undermining Treachery on the other, and that this Persecution is carry'd on by associated Malignants.

The other Sermon was Preach'd at *St. Paul's, London*, on the fifth of *November*, which is a Day set apart for a general Day of Thanksgiving for two very great Deliverances vouchsafed to this Nation, by the Discovery of the Gunpowder Plot, and the Arrival of his late Majesty King *William* to Redeem us from Popish Tyranny and Arbitrary Power.

My Lords, When ye come to hear this Sermon read, I am confident that it must appear very strange, to find that
when

when there were two such memorable Occasions for the Doctor to have set forth his Eloquence in Thanksgiving Sermon, he should in a great measure pass by both the Businesses of the Day, and entertain his Audience with a long Harangue of the deplorable Condition the Church was in, not so much from Papists, the avow'd Enemies of the Church, as from her pretended Friends, as he calls them, the False Sons of the Church, who were crept into her Bowels, and shew'd themselves to be perfidious Brethren, by defending Toleration and Liberty of Conscience, and favouring the Dissenters.

And to shew his little Liking of the great Work which was begun to be wrought on that Day by the Arrival of his late Majesty, the chief Turn of his Discourse is to cry up Non-Resistance and Passive Obedience.

And to make it most Evident, that what he said of Non-Resistance was to cast black and odious Colours upon the Revolution, he lays down a general Position, *That it is not lawful, upon any Pretence whatsoever, to make Resistance to the Supreme Power*; which Supreme Power, by other Passages, he explains to be the Regal Power.

And being apprehensive that every one that heard him Talking in that manner against Resistance, would see plainly he was Censuring and Condemning the Means that brought about the Revolution, and being desirous to cast as heavy Reflections as he could upon the Memory of King *William*, he Asserts, *That the Prince of Orange in his Declaration utterly disclaim'd all manner of Resistance.*

My Lords, Every Body knows, that knows any Thing of the Revolution, That the Prince of *Orange* came over hither with an Armed Force, and that in several Paragraphs of his Declaration (the Doctor speaks of) *His late Majesty invites and requires all Peers of the Realm, both Spiritual and Temporal Lords, all Gentlemen, Citizens, and other Commoners, to come in and Assist him, in order to the executing that Design he had then undertook against all that should endeavour to oppose him.*

Therefore it must be accounted very ridiculous for the Doctor to advance such a Position, if he had no further Meaning in it, than to give an Account of the Prince of *Orange's* Design in coming over here into *England*.

And this will make it necessary for your Lordships to consider what is the true Meaning of this Assertion; Is it not plainly to make the Prince of *Orange* say one thing, and at the same time do directly another? And can this be done with any other Design than to asperse the Memory of the late King *William*?

Then

Then as to his Discourse concerning Passive Obedience and Non-Resistance, in such Latitude as is there mentioned, what could it tend to but to cast Reflections upon that Resistance which was the Means which brought about the Revolution?

For was there any Occasion at that time to be so earnest to cry down Resistance, and preach up Passive Obedience?

Can any one pretend to say there were any Symptoms of Discontent throughout the Nation, in any Parts thereof?

No: To our Comfort be it Spoken, no Reign, no Age, no History can give a better Account of the good Dispositions of the People to their Sovereign. Therefore since the Preaching these Doctrines was needless, it does favour of some wicked Design to be talking so unseasonably of this Subject.

If what the Doctor very frequently Asserts in this Sermon be true, *That all are False Sons of the Church who assisted in bringing about the Revolution, or that join'd in the Opposition that was made to the Encroachments which were begun by evil Ministers in the Reign of King James the Second, against our Religion and Liberties*, let the Doctor a little consider how far his Character of a *False Brother* may be carry'd.

Every Body knows, that liv'd in those Days, that the Body of the Clergy of the Church of *England* made a noble Stand against the Encroachments which were then making, and appeared as Active as any of the Laity.

And was it not by their Writings, Preaching, and Example, that the Nobility and Gentry were Animated to maintain and defend their Rights, Religion and Liberties? And as an undoubted Monument that this was the Sense of the whole Kingdom at the time of the Revolution, it is entred in the Journal of the House of Commons on the first of *February*, 1688,

That the Unanimous Thanks of the House was given, Nemine Contradicente, to the Clergy of the Church of England, for the great Services they had done their Religion and Country, by the Opposition they had made to the Execution of the Ecclesiastical Commission, and their refusing to read the King's Declaration for a Toleration, which was then Founded upon the Dispensing Power.

And how did the Archbishops receive the Message that was sent them upon this Occasion, that they might communicate that Resolution to the Clergy in their respective Diocesses?

Our Journals tells us, that Mr. *Levison Gower* the next Day acquainted the House of Commons, that he had attended the two Archbishops, according to Order, with the Thanks of the House; and that Archbishop *Sancroft*, and the then

then Archbishop of York, return'd their Thanks to the Commons for themselves, and in behalf of all their Clergy, for their favourable Vote.

Your Lordships see the Commons were then happy enough to be thought favourable to the Clergy of the Church of England; and yet those very Commons were the Men who passed the Toleration Act for exempting Protestant Dissenters from the Penalties of certain Laws, as one of the most necessary Acts for the Good of the Kingdom.

And were they not encouraged to go about that charitable Work, by the Petition of the Seven Bishops presented to King James, wherein they acquainted him, *That it was not for Want of a due Tenderneſs to Dissenters which made them refuse reading his Declaration for Toleration to Dissenters, in relation to whom they were willing to come to such a Temper as should be thought fit, when the same came to be considered in Parliament?*

But now the same hath been considered in Parliament, and the Toleration hath been Settled and Established by the Legislative Authority of the Kingdom, and hath been ratify'd and approv'd of in this Reign, by Her Majesty and both Houses of Parliament; Doctor Sacheverell belike disapproves of it, and is pleased to tell us in a most extraordinary manner, *That a Man must be very weak, or something worse, that thinks or pretends the Dissenters are to be gained by any other Grants or Indulgences, than giving up our whole Constitution; and he that recedes the least Tittle from it, to satisfy and ingratiate with these Clamorous, Insatiable, Church-devouring Malignants, knows not what Spirit they are of.*

After such an ample Declaration of his Opinion, what fatal Consequences will attend the granting Indulgences to Dissenters? Can the Doctor imagine that his saying, in his Answer to the Articles, *That he intends not to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them,* will take off the hard Censures he hath passed upon Dissenters?

And, my Lords, If an Archbishop, who hath been dead almost an hundred and twenty Years cannot be permitted to rest Quiet in his Grave, but must have foul Aspersions cast upon his Memory, as being a False Son, and a Perfidious Prelate of the Church, for interceding (as Doctor Sacheverell says) with Queen Elizabeth for the Dissenters in those Days: What must the present Archbishops and Bishops of our Church expect from Doctor Henry Sacheverell, if they do not thunder out their Ecclesiastical Anathema's against Dissenters, as often as the Doctor shall think there is Occasion for them?

My Lords, I perceive the Doctor hopes to salve all he hath said against Toleration to Dissenters, by a nice Distinction he hath hit upon between an Indulgence and a Toleration.

Therefore he tells your Lordships, *that upon the most diligent Inquiry, he hath not been able to inform himself that a Toleration hath been granted by Law.*

Can the Doctor pretend to say, that this Word Toleration has never been made use of to express the religious Liberty and Indulgence that is granted and allowed to Dissenters? If we wanted Authorities to justify the Use of the Word, after the Doctor has made use of it in the same Sense over and over, in many Passages in his Sermon, as will be taken Notice of by the Gentlemen that are to make good the second Article, the Doctor might be put in Mind, that Her Majesty in Her Speech from the Throne, on the 17th of *December, 1705*, hath been pleased to declare, *That she will inviolably maintain the Toleration.*

My Lords, As the Time was most Unseasonable for the Preaching such Doctrines as these, so the Place was very Improper for a Lecture of Politicks: For your Lordships do perceive this latter Sermon, which was Preach'd on the fifth of *November* last, was Preach'd in the great Metropolis of this Kingdom, before the Lord-Mayor, Aldermen and Citizens of *London*; from whose steady Loyalty to Her Majesty, and firm Affections to the Revolution, such vast Sums have been contributed for carrying on this long War against *France*, which hath proved so fatal to the *French* King, and other Enemies of this Kingdom.

And what more likely to give a fatal Wound to the Publick Credit at this Time, than such Doctrine which tends to the Overthrow of all the Acts of Parliament, which have been made in Support of this Constitution.

And how strange an Attempt was it for the Doctor to Preach against the Revolution and this Government, before those Citizens who owe the Restoration of their Charters, and all their Franchises and Immunities to it.

But, to do Justice to the Doctor, he in his Answer denies he hath said any Thing of the Means which brought about the Revolution.

And, if your Lordships can believe him, he says, *he has endeavoured to vindicate the Revolution from the black and odious Colours the Enemies of the Revolution would throw both upon that and his late Majesty.*

To what End and Purpose then are these Doctrines Preach'd with so much Vehemence at this Time, unless it be to reflect backwards upon what was done at the Time of the Revolution?

There

There is certainly no Occasion to Preach Non-Resistance to Her Majesty's Loyal and Dutiful Subjects, who have never shewn the least Inclination to give Disturbances to this present Government.

Was there ever known a Time in which there was so Universal an Agreement in all Ranks and Degrees amongst us? Does not every one almost strive to shew their Zeal and Affection for Her Majesty and Her Government? If there be any that are less quiet than their Neighbours, we shall find them amongst the Friends of Doctor *Sacheverell*, who are professedly no Friends to the Revolution. Nothing is more certain, than that all that are not satisfied with what was done at the Time of the Revolution, must be Enemies to the present Establishment; and 'tis from this Source all these Declamations against Men of Character and Station both in Church and State do proceed.

But I would have the Doctor consider, that we have Laws to punish Spreaders of false News and horrible Stories of the great Men and great Officers of the Kingdom; and 'tis to put a stop to these malicious Practices now on Foot, that this Delinquent is now brought to this Bar.

When we shall have read our several Proofs, which will justify every Particular charged on the Doctor in the Articles of Impeachment, the Commons will not doubt of your Lordships Judgment against this Defendant.

Mr. Lechmere. MY Lords, I am commanded to Assist in stating to your Lordships the Grounds of the Charge of the Commons, and the Nature and Tendency of the Crimes now before you, in Judgment.

Your Lordships have had open'd to you an Impeachment of the Commons of *Great Britain*; the Subjects of both Nations had an equal Concern in that which is the Ground of it; they are happily united in this Prosecution, and the common Interest of your Lordships, and us all, is inseparable in its Event.

I need say no more to your Lordships of the Greatness of this Cause, not for the Person of the Offender, but for the high Importance of those Matters which he has presumed to draw in Question.

The Commons, on their part, have been exceeding careful, in every Step of this Proceeding, that it should receive a Deliberation suitable to the *Weight of the Cause*, and the *Dignity of the Commons*; and they observe it to your Lordships, with great Satisfaction, That by your ready Concurrence no Difficulties have arisen to delay or discourage their Impeachment: They ascribe this to a Desire in your Lordships, equally with themselves, to cultivate a good Corre-
spon-

spondence on so important an Occasion, and to that due Regard your Lordships shew to the Course of Impeachments, *the ancient Right, and great Security* of the Commons.

In framing their Charge, the Commons have thought fit, by a Preamble to their Articles, to lay before you the Grounds of their Accusation, in Terms the most cogent and expressive; to the end your Lordships might have early and perfect Notice of the Points, on which the Commons intended to proceed; That your Lordships, and the whole Kingdom, might know the unanimous and hearty Zeal of the Commons to assert the Justice of the late happy Revolution, and the Foundations of Her Majesty's Government and Administration; And that the *Judgment* of the Commons, on this weighty Occasion, might stand *fully on the Records of Parliament*, and be *transmitted to all Posterity*.

Your Lordships will observe, in reading their Evidence, many Things excepted to by the Commons, precedent to the Ground of their first Article; but you will soon perceive that all Parts of the Design of the Prisoner center in that: They could not therefore have acquitted themselves, if they had not made that their Foundation; Being firmly convinced, they never can have the Honour and Justice of that glorious Work too much at Heart, nor be too jealous of those who under any Pretences, *though never so specious*, shall attempt to lessen it: And when they consider the certain Dependence that the Justice of the late Revolution itself must have upon the Steps that led to it, they can have no doubt but your Lordships will think him equally Criminal, who condemns the Means by which it was effected.

My Lords, *The necessary Means* (which is the Phrase us'd by the Commons in their first Article) are Words made choice of by them *with the greatest Caution*. Those Means are described, in the Preamble to their Charge, to be, That glorious Enterprize, which his late Majesty undertook with an armed Force, to deliver this Kingdom from Popery and Arbitrary Power; The Concurrence of many Subjects of the Realm, who came over with him in that Enterprize, and of many others of all Ranks and Orders, who appeared in Arms in many Parts of the Kingdom in Aid of that Enterprize:

These were the *Means* that brought about the Revolution, and which the Act that passed soon after, declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown, intends, when his late Majesty is therein called *the Glorious Instrument of delivering the Kingdom*; and which the Commons, in the last part of their first Article, express by the Word *Resistance*.

But the Commons, who will never be unmindful of the *Allegiance* of the Subjects to the *Crown* of this Realm, judg'd
it

it highly incumbent upon them, out of regard to the Safety of Her Majesty's Person and Government, and the Ancient and Legal Constitution of this Kingdom, to call that Resistance, *The Necessary Means*; Thereby plainly founding that Power, and Right of Resistance which was exercised by the People at the time of the happy Revolution, and which the Duties of Self-Preservation and Religion call'd them to, upon the Necessity of the Case, and at the same time effectually securing Her Majesty's Government, and the due Allegiance of all Her Subjects.

Your Lordships will find, That the Prisoner, in his Sermon preach'd at *St. Paul's*, has asserted a Doctrine in direct Defiance and Contradiction of that Resistance us'd to bring about the Revolution, when he affirms the utter Illegality of Resistance, on any Pretence whatsoever, to be a Fundamental of our Constitution; and, as your Lordships will hear it fully made out from the Proofs by those Gentlemen to whom that Part is assigned, he has also plainly declared himself, that even that Resistance used at the time of the late happy Revolution is not to be excepted out of his Fundamental Rule.

My Lords, When a Preacher of the Gospel, and a Minister of the Church of *England*, even under this happy Establishment, shall thus publickly condemn the Foundations on which it stands, in Defiance of Her Majesty and the great Council of the Nation then sitting in Parliament, it becomes an indispensable Duty upon us, who appear in the Name and on the Behalf of all the Commons of *Great Britain*, not only to demand your Lordships Justice on such a Criminal, but clearly and openly to assert our Foundations.

I crave Leave to remind your Lordships of the Condition of Things in both Kingdoms, immediately preceding the late Revolution: The Case is stated, and recorded, between the late King *James* and the Subjects of both Kingdoms, in the several Declarations of the Rights of both Nations made by them at that Time.

I shall forbear to aggravate the Miscarriages of that unhappy Prince, further than by saying, That it is declared in the Preamble to the Bill passed in *England*, *That by the Assistance of Evil Counsellors, Judges and Ministers, employed by him, he did endeavour to subvert and extirpate the Protestant Religion, the Laws and Liberties of the Kingdom, in the several Instances there enumerated*: And in that passed in the Kingdom of *Scotland* it stands declared, *That, by the Advice of Evil Counsellors, he did invade the Fundamental Constitution of that Kingdom, and alter'd it from a Legal limited Monarchy, to an Arbitrary Despotick Power*.

Your Lordships, on this Occasion, will again consider the ancient Legal Constitution of the Government of this Kingdom, from which it will evidently appear to your Lordships,

that the Subjects of this Realm had not only a Power and Right in themselves to make that Resistance, but lay under an indispensable Obligation to do it.

The Nature of our Constitution is that of a limited Monarchy, wherein the Supreme Power is communicated and divided between Queen, Lords and Commons, though the Executive Power and Administration be wholly in the Crown. The Terms of such a Constitution do not only suppose, but express an Original Contract, between the Crown and the People, by which that Supreme Power was [by mutual Consent, and not by Accident] limited and lodg'd in more Hands than one; and the uniform Preservation of such a Constitution for so many Ages, without any fundamental Change, demonstrates to your Lordships the Continuance of the same Contract:

The Consequences of such a Frame of Government are obvious; that the Laws are the Rule to both, the common Measure of the Power of the Crown, and of the Obedience of the Subject; and if the Executive Part endeavours the Subversion, and total Destruction of the Government, the Original Contract is thereby broke, and the Right of Allegiance ceases, that Part of the Government, thus fundamentally injur'd, hath a right to Save or Recover that Constitution, in which it had an Original Interest.

Nay, the Nature of such an Original Contract of Government proves, that there is not only a Power in the People, who have inherited its Freedom, to assert their own Title to it, but they are bound in Duty to transmit the same Constitution to their Posterity also.

'Tis mispending your Lordships Time to Illustrate this, 'tis an eternal Truth, essential to the Government it self, and not to be defaced, or destroy'd, by any Force or Device.

That the Rights of the Crown of *England* are Legal Rights, and its Power stated and bounded by the Laws of the Kingdom, That the Executive Power and Administration it self is under the strictest Guard, for the Security of the People, And that the Subjects have an Inheritance in their ancient fundamental Constitutions, and the Laws of the Land, Appears from every Branch of this Government; 'Tis the Tenor of all Antiquity, our Histories and Records afford innumerable Proofs of it; and when your Lordships look back on the History of *Magna Charta* alone, you can't doubt of the Sense of our Ancestors, that they were Masters of Franchises that were truly their own, and which no Earthly Power had Right to extort from them: Many others of incontestable Authority are those Valuable Relicks, which our Popish Ancestors have left us, as Proofs of the Freedom of our Constitution, of the constant Claims they made, both in and out of Parliament, to their Inheritance in their Laws, against the Incroachment of Arbitrary Power,

Power; and when the *last Extremity* call'd them to it, they never fail'd to vindicate them by the Arms of Resistance.

“ Such was the Genius of a People, whose Government
 “ was built on that noble Foundation, *not to be bound by Laws,*
 “ *to which they did not consent*; that, muffled up in Darkness
 “ and Superstition, as our Ancestors were, yet that Notion
 “ seem'd engraven on their Minds, and the Impressions so strong,
 “ that nothing could impair them.

Upon the Reformation of Religion, when all Foreign Power was abolished, and the Supremacy of the Crown was restor'd to its height by many Acts of Parliament, your Lordships will always find Declarations at the same time made of the Rights of the People, particularly that of the 25 *H. VIII.* where 'tis said, that *the Realm of England is free from any Man's Laws, but such as have been devised, made and ordain'd within the same, for the Wealth of it, or such other as the People of the Realm have taken at their free Will and Consent, and by long Use have bound themselves to, as the Ancient Establish'd Laws of the Realm, and none otherwise.*

Your Lordships will, I doubt not, consider those Laws, made at that time, to be fresh and remarkable Declarations, and Ratifications, of the Original Contract.

This Excellent Constitution of our Government, has been, thro' many Struggles, preserv'd from that Time to this, and the true Spirit of the *English* Nation still kept alive, down to the Times of the late happy Revolution; At which time the Danger being Imminent, not only to the Laws and Liberties of the Kingdom, but to the Protestant Religion, **THE ANCIENT VIRTUE OF THE ENGLISH NATION EXERTED ITSELF, AND SHONE OUT IN ITS FULL LUSTRE, IN THAT GLORIOUS WORK.**

The many Laws pass'd since, more particularly those for the Settlement of the Crown and Succession, are so many repeated Declarations of their late Majesties, and Her Majesty now on the Throne, together with the Representative Body of the Nation, in Confirmation of their Ancient Constitution; Nay, my Lords, we have higher Testimonies to appeal to, the many glorious Successes with which God Almighty has blessed the Arms of Her most Sacred Majesty, employ'd in Defence of the Arms of Resistance, are so many Testimonies from Heaven in our Vindication.

Your Lordships take notice on what Grounds the Doctor continues to assert the same Position in his Answer. But is it not most evident, that the General Exhortations to be met with in the Homilies of the Church of *England*, and such like Declarations in the Statutes of the Kingdom, are meant only as Rules for the Civil Obedience of the Subject to the Legal Administration of the Supreme Power in ordinary Cases? And

it's equally absurd to construe any Words in a positive Law to authorize the Destruction of the whole; as to expect that King, Lords and Commons should, in express Terms of Law, declare such an ultimate Resort as the Right of Resistance, at a time, when the Case supposes, that the Force of all Law is ceased.

But the Commons think he hath, by his Answer, highly aggravated his Crime, by charging so pernicious a Tenet, as that of absolute unlimited Non-Resistance, to be a Fundamental Part of our Government, and by asserting this as the Doctrine of the Church of *England*.

It is a great Reproach to the Excellency of our Constitution, to impute such Principles to it as inevitably infer its Destruction; and an equal Dishonour to the Crown of this Realm, the great Glory of which is to be set over and govern a Nation of Free-born Subjects, the meanest of which has an Inheritance in the Government and the Laws equal with the greatest.

They likewise esteem it an high Reflection on Religion itself, and the Church of *England*, to charge its purest Doctrines with such Constructions, by which all Irreligion and Oppression would be Authoriz'd.

The Commons must for ever consider themselves under the strongest Obligations of Gratitude to our great Deliverer, to assert the Honour and Justice of that Resistance, by which he rescued an oppressed People from inevitable Destruction; and think they should not deserve the Name of Subjects of *Great Britain*, or the least Blessing of so good a Government, if at this time before your Lordships, and for ever hereafter, they did not assert, in the most strenuous manner, the Honour and Justice of that Resistance which brought about the late happy Revolution. And upon this Foundation it is, that they doubt not but your Lordships will, in a Parliamentary way, fasten a Brand of indelible Infamy on that enslaving Tenet by which it's condemn'd.

I shall take up less of your Lordships Time on the following Articles.

The Commons esteem the Toleration of Protestant Dissenters to be one of the earliest and happiest Effects of the late Revolution, wisely calculated for the Support and strengthening the Protestant Interest, the great End of the Revolution it self.

They remember, with the highest Gratitude to Her Majesty, Her Royal Resolution declared from the Throne, to preserve it inviolably; and they observe to your Lordships, that it appears to them, from a Report on their own Journals of a Conference between both Houses, on the Bill against *Occasional Conformity* (not meant to enlarge the Liberties of Protestant Dissenters) That the Persecution of Protestants is, in the Preamble

ble to that Bill, declared *to be contrary to the Christian Religion, and the Doctrine of the Church of England, and the Act of Toleration ought to be kept inviolably*; and the Commons find no Exception then taken by your Lordships to that Declaration, but on the contrary, many Expressions from both Houses, highly extolling the Policy and good Effects of that Law.

Your Lordships will perceive, from the Evidence of the Commons, many plain Declarations of the Prisoner in Maintenance of this Article; but we offer it to your Lordships, as a further Evidence, that he most shamefully arraigns the Memory of a Prelate, Eminent for his Zeal to the Protestant Religion, for his compassionate Intercessions with Queen *Elizabeth*, in favour of Dissenting Protestants; a Reflection plainly meant by him to cast an Odium on the Act of Toleration, and on the present Fathers of the Church, so Eminent for their Charity and Moderation; and from the Applauses he gives to the Severities shown by that Queen, he illustrates the Calumny thrown by him on Her present Majesty, and Her Approbation of the Toleration: Your Lordships will duly consider the Malignity of Expressions meant to condemn so good a Law, now standing in its full Force, and to encourage the Unchristian Principles of Persecution.

The latter part of the second Article is founded on the Legal Supremacy of the Government in Matters Ecclesiastical, by which all Ecclesiastical Jurisdiction, by the Ancient undoubted Laws of the Kingdom, is made subject to the Civil Power.

The Prisoner, in Terms very unbecoming, has struck at this Essential Part of our Constitution, in those Words, wherein, after having persuaded the Superior Pastors of the Church to Thunder out their Anathema's against Protestant Dissenters, *He defies any Earthly Power to reverse such Sentences.*

My Lords, The restoring the Legal Supremacy of the Crown, was the Effect of the Reformation of Religion in this Kingdom; and the Abuse of that Power, to the apparent Danger and Destruction of the Church of *England*, in the Instance of the late illegal Ecclesiastical Commission, remains condemn'd by the Bill of Rights.

But the Commons crave leave to observe, that the Independant Power, or Jurisdiction of the Church, or of Ecclesiastical Judges, which is the Doctrine advanced by the Prisoner, is not less dangerous; It stands in utter Defiance and Contradiction of *Magna Charta*, and the Laws of the Land; 'tis destructive of the Legal Supremacy of the Crown and Legislature, a Violation of the Oath of Supremacy, contrary to the Principles of the Reformation, and the Doctrine and Interest of the Church of *England*, of which he is a Member.

The Commons are strengthened in their Concern for the Legal Supremacy, when they call to mind Her Majesty's Let-

ter to his Grace of *Canterbury*, of the twenty fifth of *February* 1705, for Proroguing the Convocation, wherein Her Majesty is pleased to declare Her constant Care and Endeavours to preserve the Constitution of the Church of *England* as by Law Establish'd, and Her Resolution to preserve the Supremacy, as being a Fundamental Part of it: And upon these Considerations they have an absolute Assurance of an equal Regard on your Lordships part, to a Matter of so great Importance.

Your Lordships will observe the third Article to be included within the general Charge of the fourth: But, the Commons being sensible, with how distinguish'd a Malice the Substance of this Charge is levell'd, by the Prisoner, against the Honour of Her Majesty and the two Houses of Parliament, they thought it their Duty to Her Majesty to lay this before your Lordships in a distinct Article, for your particular Consideration and Judgment.

When your Lordships reflect on the late heavy Censure, which the Queen and both Houses so justly laid on the Authors of the like groundless Slander, you will think that the Prisoner has reviv'd and avow'd the same, from an inveterate Pride to signalize his Enmity to Her Majesty and both Houses, and in the most publick Manner to insult the Honour of the Queen and Legislature, at the same time that he was endeavouring to subvert their Foundations.

The Commons will ever shew the utmost Jealousie for the Safety and Honour of Her Majesty's Person, and must always esteem it their peculiar Concern to vindicate every Attempt that shall be made against it; and assure your Lordships, they can't be forgetful of that signal Regard Her Sacred Majesty shewed to the Church of *England*, at the time of the late Revolution, Of that constant Uniform Zeal She has express'd for it from that Day to this, That perpetual Monument of Her Royal Bounty to the Clergy of the Church of *England*, to the Diminution of Her own Revenue, nor of Her Royal Care for the perpetual Establishment of its Discipline and Worship, in making it a Fundamental and Essential Part of the Union of the two Kingdoms: These things they esteem an Absolute Security, that Her Royal Protection and Affection for the Church of *England* can never fail.

The Commons doubt not of your Lordships particular Notice of the Parallel mentioned in this Article, by which your Lordships will collect the Inveteracy of the Design, from the Odiousness of the Comparison.

In their fourth Article, the Commons have laid before your Lordships many Charges, which tho' of different Considerations, yet all conduce to the main Charge of the Commons;

As

As tending to undermine Her Majesty's Government, and to raise Sedition and Rebellion.

Your Lordships will find, from many and pregnant Proofs supporting this Article, That Her Majesty's Administration, whereby She has justly gain'd the Affections of all Her true Subjects, is represented by the Prisoner as deserving the utmost Odium and Contempt of Her People;

That the Civil and Religious Rights of Her Subjects, which Her Majesty has protected with the Tenderness of a most indulgent Mother, are betray'd by those to whom She has committed the Care of them, and that they are now in a Condition more Calamitous, than at that time, when Superstition and Tyranny were ready to have swallow'd them up:

Your Lordships will find him labouring to persuade the People, that the Condition of Peace and Prosperity, which the good Government of Her Majesty has secured to Her Kingdom, is a State of utter Distraction and Confusion, wherein all Irreligion and Disorder is not only unpunish'd but encouraged:

Nor will your Lordships wonder to find a Person, who has thus set himself to weaken the Title of Her Majesty to the Throne, representing Her Administration like that of one who has no Title at all:

And from this ruinous and almost irretrievable Posture of Affairs, your Lordships will find him considering himself as a peculiar Messenger, appointed and called out to open the Eyes of the deluded People, and to undeceive a Nation thus abused: And this, my Lords, he has done, not in the Words of Meekness and Peace, not by exhorting them to the Exercise of the submissive Doctrines of Passive Obedience and Non-Resistance, but he assures them that he does not come to preach Peace, but to sound a Trumpet; he endeavours to excite such true Sons of the Church as are of his Persuasion, to recover, defend, and maintain, with their Lives and Fortunes, their invaded Rights, and such Doctrines as he has thought fit to deliver to them.

My Lords, I take Liberty to acquaint your Lordships, that the Commons conceive, that the Laws and Statutes of the Realm, and the Order and Peace of Government, necessarily enjoin it as a Duty upon all private Subjects, to represent their Sense of the Nation's Grievances in a Course of Law and Justice, and not otherwise; and whenever the Oppressions become National and Publick, They claim it as the peculiar Right of their own Body, to pursue the Evil Instruments of them, 'till Publick Vengeance be done; and at the same time, the Commons assure your Lordships, that they will account it their Indispensable Duty to Her Majesty and their Country, to assert the Justice and Wisdom of Her Administration, against the Enemy of both,

I have thus stated to your Lordships the Nature of this Cause, wherein, I persuade my self, you perceive many Points of the highest Moment to the Peace and Welfare of the Kingdom.

The Tendency of the Crimes of which the Prisoner stands Accused, lies Open and Apparent; But I yet beg your Patience, to draw the Scene a little closer.

Your Lordships will consider the Necessary Consequence of a Position, meant and expounded so as to persuade the World, that the Glorious Work of the Revolution was the Fruit of Rebellion, and the Work of Traitors: Does it not declare the late Reign to be one continued Usurpation? And under what better Circumstances does it bring the present?

Is the Act of Toleration condemn'd, with any other Tendency, than to weaken so great a Support of the Revolution it self? And I entreat your Lordships, to consider the certain Fatal Effects of an Universal Dissatisfaction of the People, in Things that concern them nearest, the Safety of the Church of *England*, and the Protestant Interest, and the Security of themselves and their Posterity.

It's true, my Lords, That, considered at a distance, there seems a Repugnancy in this Gentleman's System. How comes it to pass, that absolute Non-Resistance and the Spirit of Rebellion stand so well together, and are made so suitable, in the same Discourse?

But, if your Lordships should discern, in any Part of his Sermon, any dark Hints, or disguised Opinions, of a *Sole Hereditary Right of Succession* to the Crown, that will shew your Lordships the true Consistency of the whole; your Lordships will find, that in his Opinion, the Duty of Absolute Non-Resistance is owing to him only that has the Divine Commission to Govern; and from thence, your Lordships can't fail of knowing against what Queen, what Government, what Establishment, he Encourages the taking up the Arms of Resistance.

I have thus endeavoured to discharge the Trust reposed in me by the Commons, and am not unsensible how far short I have fallen; but, my Lords, I assure my self that the Cause can't suffer by it, its own Strength and Vigour will support it at this time, and so long, I hope, as the Nation endures.

Your Lordships see plainly, that the Duty of the Commons, which they will always discharge, called upon them very loudly, to make Inquisition on so remarkable an Offender as the Prisoner at the Bar.

Your Lordships see, they had not acquitted themselves aright, if they had intrusted the Prosecution of this great Cause in any other Hands but their own, or suffer'd these Points to have been handled in any Place, but in full Parliament; or before any other Judicature, but that of your Lordships: And it is
with

with the greatest Chearfulness and Security, that they submit the Cause of the Queen, of the whole Nation, of the Protestant Religion, and Protestant Succession, to the Weight and Wisdom of your Lordships Judgment.

Mr. Attorney General. I did acquaint your Lordships that there were two Sermons deliver'd into the House of Commons, which I desire may be now delivered in, and read to your Lordships. We must desire *Mr. Jodrell* to give an Account where he had those Books in his Hands.

Then Mr. Jodrell was Sworn.

Mr. Jodrell. These two Books were delivered in at the Table of the House of Commons, by one of the Members.

Mr. At. Gen. Were they shown to Doctor *Sacheverell*, when he Attended the House?

Mr. Jodrell. They were shown to him at the Bar of the House.

Mr. At. Gen. Did he own them to be his Books, or what did he own about them?

Mr. Jodrell. That which is the Sermon Preach'd the Fifth of November, he owned to be his, and that he directed it to be Printed.

Then that Book was delivered in.

Mr. At. Gen. There is another Sermon which was Preach'd at the Affizes at *Derby*, that was also shown him at the Bar, and he own'd it.

Lord Chancellor. What say you as to the Preface of the other Sermon?

Mr. Jodrell. He owned the Dedication of it to be agreeable with the Dedication of that Impression which he ordered to be Printed.

Mr. At. Gen. We pray that Dedication may be shown to him; if he denies it, we are ready to prove it by the Printer.

Sir Simon Harcourt. My Lords, The Doctor did own the Sermon, and the Dedication of both the Sermons, before the House of Commons, and he will not give your Lordships the Trouble of hearing any Proof of them. He doth own them.

Mr. At. Gen. Then we desire they may be read.

Clerk reads the Dedication of the Derby Sermon; and the Dedication and Sermon at St. Paul's.

The DEDICATION of a SERMON
Preach'd at the Assizes held at *Derby*, *August 15, 1709.* By *Henry Sacheverell, D. D.*
Fellow of *Magdalen-College, Oxon*, and Chap-
lain of *St. Saviour's, Southwark.*

To the Right Worshipful

George Sacheverell, Esq;

High-Sheriff of the County of *DERBY*;

AND TO

The Honourable Gentlemen of
the *GRAND-JURY.*

Gilbert Thacker, Esq;
Robert Wilmot, Esq;
John Fitz-Herbert, Esq;
John Beresford, Esq;
Henry Vernon, Esq;
William Cook, Esq;
William Cavendish, Esq;
Francis Pole, Esq;

William Horton, Esq;
George Savill, Esq;
William Brown, Esq;
Paul Balledon, Esq;
James Chetham, Esq;
William Wolley, Esq;
George Turner, Gent.

Gentlemen,

THE Peculiar Honour You were pleas'd to confer
upon me after the Delivery of this plain Discourse,
was so Signal, that nothing less than this Publick
Acknowledgment can acquit Me of Ingratitude.

Now, when the Principles, and Interests, of our Church,
and Constitution, are so shamefully Betray'd, and Run
down,

down, it can be no little Comfort to all those who wish their Welfare and Security, to see, that notwithstanding the Secret Malice, and Open Violence they are Persecuted with, there are still to be found such Worthy Patrons of both, who dare Own and Defend them as well against the Rude and Presumptuous Insults of the One Side, as the Base, Undermining Treachery of the Other; and who Scorn to sit silently by, and partake in the Sins of these Associated Malignants.

Tho' the Truth seems to be so much Forsaken at present, yet, God be thank'd, they shall yet find, to our Honour, that We have still amongst Us those who have Courage to Speak it, as well as those who have Lives and Fortunes to Maintain it: And tho' the Age is sunk into the Lowest Dregs of Corruption that it cannot endure Sound Doctrine, there are not wanting some to Preach it, and others to Support it, at the Expence of Both. May the Influence of your Good Examples, which as much Animates our Friends as it Terrifies our Enemies, be as diffusively Prevailing, as 'tis nobly Conspicuous, and the Blessing of that Church attend you, which you so Eminently adorn and sustain!

And, as I am oblig'd by the Relation I have the Honour to bear to your Family, may a double Portion of the Divine Favour rest on You, (Mr. HIGH-SHERIFF) whose Commands I was very ready to execute in this Office, since you thought neither the Advancement of your Years, so generously expended for the Good of your Country, nor the great Trouble attending this Post, sufficient to exempt you from shewing that steady Loyalty and Zeal to serve Her Majesty and the Government, for which you have been so remarkably Distinguish'd.

I am, with all Regard,

GENTLEMEN,

Your very Humble Servant,

Henry Sacheverell.

*The PERILS of FALSE BRETHREN,
both in Church and State :*

Set forth in a

SERMON Preach'd before the Right Honourable, the LORD-MAYOR, Aldermen, and Citizens of *London*, at the *Cathedral Church of St. Paul*, on the 5th of *November*, 1709. By *Henry Sacheverell*, D. D. Fellow of *Magdalen-College, Oxon*, and Chaplain of *St. Saviour's, Southwark*.

To the Right Honourable

Sir Samuel Garrard, Baronet,

LORD-MAYOR of the City of *LONDON*.

My Lord,

BY Your Lordship's Command this Discourse ventures to appear in Publick, in Contempt of all those Scandalous Misrepresentations the Malicious Adversaries of our Church have traduc'd it with, and that Impartial Sentence it had the Honour to receive from some of those Acute, and Wise Judges, who Condemn'd it without Sight, or Hearing. But 'tis no New Thing with some Men to censure at Random what lies out of their Sphere ; Examining a Cause may prove Dangerous, for fear of their own Conviction of its Merits. When Men are resolv'd to leap into a Gulph, the best way is to shut their

their Eyes, for fear they should see *their* Danger, and Repent of *their* Folly. When they are thus abandon'd, and given up to Ruin, the Charitable Hand, that would hold out an unwelcome Light to prevent it, must expect to be treated with that ungrateful Insolence, and Reproach, which usually attends the Generous Freedom of those who Dare speak Seasonable, and Necessary Truths. That Patient's Case doubtless is very Desperate, that sets himself against his Cure; and when Men are so stupidly harden'd in their Errors as to resist the most glaring Evidence, there's no room for Argument, or Gospel. Moses and the Prophets, may with Christ, and his Apostles, be Banish'd our Synagogues, when Truth must be Oppress'd by Number, and Noise, and Rebellious Appeals to the People, as the only Judges of Right, and Wrong, and the dernier Resort of Justice, and Dominion. Are not these the Fashionable Methods now made use of to Over-bear, and Silence our Church, to Affront and Revile our Legislature, in order to Break in upon the Prerogative of the Crown? By Threatning them with Imaginary Legions, and a popular Tribunal, where their Authority, and Establishment are to be Try'd, and Determin'd? To put a stop to which Dangerous and Encroaching Mischief, that now with Impunity walks up and down thro' this Distracted Kingdom, I thought it my Duty (being Summon'd to this Office by your Lordship) to Discharge it in the BEST METHOD I could, to preserve Us from these Malicious Designs, by endeavouring, if possible, to Open the Eyes of the Deluded People in this Our Great Metropolis; being Conscious of what Prodigious Importance it is to the Welfare of the whole Nation, to have its Rich, and Powerful Inhabitants set right in their Notions of Government, both in Church and State; that they may not be Flatter'd into their Ruin, but seeing the Fatal Consequences of these Damnable False Doctrines, which some Seditious Impostors have labour'd to Poyson 'em with, may Forsake, and Detest them. I am confident, My Lord, that this Glorious, and Renown'd City can Boast of so many Excellent Examples of Unshaken Steadiness, Disinterested Probity and true Zeal,

and

and Loyalty for Our Church, and Sovereign, that if they would act with the same Open, and Undaunted Resolution Your Lordship does, these Affrighting Fantoms must Vanish. But if Honest Gentlemen will sit still, and give up their Cause through want of Courage, or a Just Sense of the Dangerous Attempts of Our Enemies, without the Spirit of Prophecy, We may foretel what will become of Our Constitution, when 'tis so Vigorously Attack'd from Without, and so Lazily Defended from Within.

We are told by these Men, who would fain shut both our Eyes, and our Mouths, in order the more effectually to Undermine, and Destroy Us, that the Pulpit is not a place for Politicks, and that 'tis the Business of a Clergy-Man to Preach Peace, and not sound a Trumpet in Sion, so expresly contrary to the Command of God, to Cry aloud, and Spare not. My Lord, I was humbly of Opinion, that the Fifth Commandment was Genuine; the Fanaticks would do well to strike that Dangerous Precept out of the Decalogue, as the Papists have the Second, that neither might Rise in Judgment against these United Friends, and Brethren. Now as This stands the First in the Second Table, is it not of the utmost Importance, to be rightly Understood, as containing the Principal Duty that we owe to God's Vice-Gerents, which has been so Scandalously, and Villanously Misinterpreted of late, to the Great Dishonour of Both? Certainly Our Church thought so Formerly, when it took such Care to Guard Our Obedience, with more Homilies concerning the Peril of Rebellion, than of any other Sin. And when was more Reason for Enforcing their Doctrines than now, when We see these admirable Dissuasives against Faction, and Sedition, maliciously Wrested to Countenance, and Support it? If our Excellent Constitution apprehends no hazard from these Licentious Proceedings, I am sure Those who would defend it from them, have reason to do so, with regard to their Own Persons: Our Pastors can't do their Duty without being Menac'd for it, and Slander'd by the Vile Amanuenses of the Mob, to expose to us their Fury, as Papists, and Men Dissaffected to Her Majesty's Government,
whose

whose Safety, Rights and Establishment, together with those of the Church, We so earnestly contend for; which I solemnly here Declare (as I did before in this Discourse) to be my only Aim and Intention; and in an humble way to follow the Footsteps of Your Lordship, who is so Bright an Ornament, and Support of them. That This Great City may Flourish under Your Auspicious Conduct, and never want a Magistrate of Your steady Principles to Guide and Govern it, is the hearty Prayer of,

MY LORD,

YOUR LORDSHIP'S

Most Humble Servant,

Henry Sacheverell.

2 COR.

2 COR. xi. 26.

In Perils among False Brethren.

AMONG All the most Dreadful Plots that ever Threaten'd this Church, and Kingdom, the Dismal Tragedy contriv'd as this Day to be Executed on Both, may justly claim the Horrible Precedence, and consequently the Highest Expressions of Our Gratitude for so Astonishing and Miraculous a Deliverance from it. For whether we consider the Black Depth of its subtle Contrivance, the Destructive Extent, and Sanguinary Consequences of it, or its Surprising, and Unaccountable Discovery, We must confess, that nothing but the All-Powerfull, and Gracious Hand of God, interposing against the utter Subversion of our Nation, and Religion, could have prevented such a Fatal Conspiracy. A Conspiracy ! so full of the most Unheard of Malice, most Insatiable Cruelty, most Diabolical Revenge, as only could be hatch'd in the Cabinet-Council of Hell, and brought forth in a Conclave of Romish Jesuits ! Now though the History of this Unparallel'd Mystery of Iniquity, was Design'd against Us at such a Distance of Time, and the Fact so evidently Acknowledg'd, that the Papists themselves are so far from Denying, that they Extol it with the Highest Panegyricks ; so that there needs neither Proof of the One, nor Repetition of the other : Yet doubtless 'tis as much our Duty, as Interest, to keep up the Annual Celebration of this Never-to-be-forgotten-Festival. For that the very Face and Shadow of our Church and Constitution, is yet Surviving ; That this Good, and Pious Relict of the Royal Family sits now Happily upon the Throne of Her Great Ancestors ; That our Hierarchy, and Nobility was not finally Extirpated and cut off ; That our Country was not made an Aceldama, a Field of Blood, and a Receptacle of Usurping Robbers ; That We yet, without Slavery, Superstition, or Idolatry, enjoy the Benefit of our Excellent Laws, and most Holy Profession Undeild : In a Word, That God has yet Vouchsaf'd Us this Opportunity of coming into his Presence, to Acknowledge these Inestimable Blessings, is owing to his Mercy so signally shewn to Us, in Disappointing the Barbarous Massacre intended This Day. A Day ! which ought to stand for Ever in the English Kalendar, as an Eternal Era at the one End, as the Thirtieth of January at the Other, for Indelible Monuments of the Irreconcilable

clleable Rage, and *Blood-Thirstiness* of both the *Popish*, and *Fanatick* Enemies of Our Church, and Government! For These are equally such Treacherous *FALSE BRETHREN*, from whom we must always expect the *utmost Perils*, and against whom we can never sufficiently Arm our selves with the greatest *Caution*, and *Security*. These *TWO DAYS* indeed, are but one *United Proof*, and *visible Testimonial* of the same *Dangerous*, and *Rebellious Principles*, these *Confederates in Iniquity* Maintain: And as the *One* is but a *Thanksgiving* for our *Deliverance* from what the *First Projected*; so is the *Other* an *Humiliation*, for what God permitted the *Latter*, by *Their Help and Direction*, to put in Execution. I think therefore the *Best way* of Acknowledging These Great *Mercies*, and *Judgments* of God, and Acquitting Both *Solemnities* in a proper Way, is by so justly Considering Our *Circumstances* with respect to *Each Side*, as to Guard against Their *Malicious*, and *Factionous Designs* for the future; that we may never *Trust Either*, to need a *Second Deliverance* from those *Villanous Enterprizes*, they will never cease to put in Practice, whenever they see an *Opportunity* of doing it with *Security*.

Now as *Persecution*, and *Affliction*, were the *Distinguishing Badges* of the *Messiah*, who was a *Man of Sorrows*, and *Acquainted with Griefs*; so to convince his *Disciples*, that his *Kingdom was not of this World*, He bequeath'd the same sad *Legacy* to Them, to share the *Character*, as well as imitate the *Example*, of their dying Lord, and Master. With unshaken *Courage*, and *Resolution*, to take up his *bloody Cross*, and follow the *Great Leader of Their Salvation*: To March with a *Cheerful Magnanimity* through all the *Powers of Darkness*, looking unto *Jesus the Author and Finisher of their Faith*, who for the *Joy* that was set before Him, *Endur'd the Cross*, despising the *Shame*, and is set down at the *Right-hand of the Throne of God*. Thus was His Church to expect no better *Treatment* than Her *Great Founder*, and *Original*, to pass through the same *Fiery Tryal*, to be made *Perfect through Sufferings*, to be *Militant here*, in order to be *Triumphant hereafter*; and like Him, to be *Crown'd with Thorns in this World*, to Obtain a *Crown of Glory in the Next*. Not only to Encounter the *Open Fury* and *Violence* of Her *Profess'd* and *Inveterate Enemies*; but (which was the *bitterest Part of Her Sufferings*) like Her *Saviour*, to be *Betray'd*, and perfidiously Given up by Her Own *False-hearted*, and *Insidious Apostles*.

As the *Histories* of the Church in *All Ages*, are as 'twere but One *Continu'd Ratification* of this *Melancholy Truth*, made up of so many mournful *Narratives*, of the *Unhappy Lives*, and *Disastrous Deaths* of *Saints*, *Martyrs*, and *Confessors*, who bravely seal'd the Faith with Their Blood; so it is Exemplify'd in no One Instance more than in that *Primitive*, and *Heroick*

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Champion of Christianity, the Author of this Epistle. Wherein, for the *Wonder*, and *Emulation* of *Posterity*, He has Recorded a Long and *Frightful Catalogue* of those *Astonishing Calamities* He had underwent in the *Propagation* of the *Gospel*. Such *Ample Satisfaction*, did the *Pious Labours* of the *Convert*, make for the wicked *Persecution* of the *Jew*; when by a *Miraculous Turn* of *Providence*, the *greatest Sinner* was chang'd into the *devoutest Saint*, and the most *Zealous Bigot* against, into the most *Resolute Sufferer* for, *Religion*. Yet however this *Great Apostle* might have attain'd so extraordinary a *Degree of Merit*, as to *Out-shine* all that *Noble Army of Martyrs*, which Adorn the *Bloody Kalendar* of the *Church*; nay, as He expresses it, to come never a whit short of the *Greatest Apostles*, and as 'twere to *Vye Characters* with the very *Chosen* of the *Son of God*; Does it not seem a little to carry the *Air of Ostentation*, and *Vain-glory*, thus to *Claim the Pre-eminence*, and *Supremacy*, and to *Boast himself* in that *Pompons Shew* of *Services* that he had done for *God*, and the *Church*? But We shall easily *Reconcile* the *Apostle*, and the *Orator*, and find no *Imputation* upon his *Modesty*, if we Consider the *Occasion* of it. He had (as He informs Us) with much *Pains*, and *Expence*, Planted *Christianity* in *Corinth*, where He had no sooner by a *Miraculous Ministry* Establish'd it, but several *False Apostles*, and *Seducers*, were in his Absence Crept into the *Church*, to *Vitiate*, and *Corrupt* his *New Profelytes*, under the Pretence of *More Purity*, and *Holiness*, (like our *Modern Sectarists*) to raise a *Schism* amongst 'em, and to draw them off from the *Opinion* they had of *St. Paul*; by *Ridiculing* him for his *Person*, and *Address*, as a Little, *Unedifying*, *Ungifted Preacher*, of a weak *Bodily Presence*, and *Contemptible Speech*; thus *Wounding* the *Ministry*, thro' the *Sides* of the *Minister*. Such *Slights* and *Provocations*, certainly were a *sufficient Ground* for the *Apostle* to *Insist* upon his *Character*, lest the *Gospel* should suffer by it: And with *Authority* to *Rebuke* the *Ingratitude* of the *Corinthians*, and *Vindicate* his *Dignity*, and *Transcendent Excellencies*, against the base *Lies*, and *Calumnies* cast upon Him by such *false Apostles*, *deceitful Workers*, transforming themselves into the *Apostles of Christ*, like their *True Father the Devil*, transforming himself into an *Angel of Light*. With what *Justice* then might He here stand upon the *Comparison* when thus vilely *Run down*, by such *Wretched, Empty, Hypocritical Sophisters*? To Appeal to his *Spiritual Gifts*, and *Revelations*, and *Sufferings*, in *Competition* with such *Impudent, Boasting, Self-conceited Pretenders*, was the lowest Act of *Humility*, and *Good-Nature*; to *Condescend* to *Dispute* with such as ought to be *Answer'd*, not with *Arguments*, but *Anathema's*! Yet behold the *Singular Modesty* of this *Great Apostle*! He cannot enter upon his own *Justification*, without much *Reluctance*, and a long *Apology* to introduce it.

I am become a Fool in Glorifying (says He) but you have Compell'd Me to it. I speak as concerning Reproach, as tho' we had been Weak: Howbeit, wherein any is Bold, I speak foolishly, I am bold also. Are they Hebrews? so am I! Are they Israelites? so am I! Are they the Seed of Abraham? so am I! Are they Ministers of Christ? I speak as a Fool, I am more. In Labours more abundant, in Stripes above Measure, in Prisons more Frequent, in Deaths often; of the Jews five Times received I forty Stripes, save one. Thrice was I beaten with Rods, Once was I ston'd, Thrice I suffer'd Shipwreck, a Night and a Day have I been in the Deep. In Journeyings often, in Perils of Waters, in Perils of Robbers, in Perils by my own Countrymen, in Perils by the Heathen, in Perils in the City, in Perils in the Wilderness, in Perils in the Sea, in Perils amongst FALSE BRETHREN. In this Rhetorical Abridgment of the Sufferings, and Dangers of his Life, there's a very observable Gradation; the Apostle still Rises in his Calamities, and puts this Last as the Highest Perfection of his Misery, as that which made the deepest Impression upon his Passions, and what He bore with the greatest Resentment and Difficulty. The many severe Pains, and Tortures inflicted on his Body, were nothing to This; nay, the Good-Nature and Mercy of Highway-men, and Pagans, and even the devouring Bosom of the Deep, were to be preferr'd before, and sooner (it seems) to be Trusted to, than the more certainly Destructive, and Fallacious Bosom of a Treacherous FALSE BROTHER.

I shall take the Expression in its full Latitude, without confining it to the express Design of the Place; though it were very Obvious to draw a Parallel here, betwixt the sad Circumstances of the Church of Corinth formerly, and of the Church of England at present; wherein Her Holy Communion has been Rent, and Divided by Factions, and Schismatical Impostors; Her pure Doctrin has been Corrupted, and Defil'd; Her Primitive Worship, and Discipline Prophan'd, and Abus'd; Her Sacred Orders Deny'd and Vilify'd; Her Priests, and Professors (like St. Paul) Calumniated, Misrepresented, and Ridicul'd; Her Altars, and Sacraments Prostituted to Hypocrites, Deists, Socinians, and Atheists; and this done, I wish I could not say, without Discouragement, I am sure, with Impunity, not only by our profess'd Enemies, but which is worse, by our Pretended Friends, and FALSE BRETHREN. But to proceed to the Matter before us: In my Discourse upon these Words I shall endeavour,

- I. First, To shew in what Sense, and upon what Accounts Men may be denominated FALSE BRETHREN.
- II. Secondly, I will lay before you the Great PERIL, and Mischief of such, both in Church and State.

III. *Thirdly*, I will set forth the *Heinous Malignity*, *Enormous Guilt*, and *Folly* of this *Prodigious Sin*.

IV. *Lastly*, As a Consequence from the Whole, I will undertake to Evince what mighty Reason we have at all Times, and more especially *at present*, to *stick* firmly to the *Principles* both of our *Church* and *Constitution*; and how much it *concerns* Us to *Beware* of all those **FALSE BRETHREN**, that *Desert*, or *Betray* them.

I. And *First*, I will shew you in what *Sense*, and upon what *Accounts* Men may be Denominated **FALSE BRETHREN**. In order to which it will be Necessary to State the full Extent of the Nature of **FALSE BROTHERHOOD**.

This Term *Ψαδελφία* being of a *Relative* Signification must respect Men as considered under all *Social Cases*, or as they are plac'd under such *Regards*, and *Circumstances*, as in *Duty* oblige them both to *Think*, *Speak*, and *Act*, with *Truth*, and *Integrity*, correspondent to their *inward Principles*, and *outward Professions*. And wherein they are found *deviating* wilfully from either, by an unreasonable *Alteration* of *Judgment*, by any *tacit Mental Reserve*, or *Equivocation*, upon any *indirect Ends*, or *Designs*, or guiding their *Expressions*, and *Actions*, contrary to these *stated Rules*, they are guilty of *Falshood*, both in *Conscience* and *Practice*, of a Breach of that *Veracity*, *Justice*, and *Trust* that they owe to *God*, *themselves*, and the *World*, and are properly what are stil'd in the *Text* **FALSE BRETHREN**. For whereas every Man that either *believes*, *speaks*, or *acts* *Rationally*, must be suppos'd to have some *Standing-Ground*, and *Measure* of *Judgment*, settled upon some *Grand*, *Primitive Maxims* of *Truth*, both *Speculative* and *Practical*, whether founded upon *Revelation*, *Reason*, or *Honour*, which are what we call any Man's *Principles* either in *Religion*, *Society*, or *Friendship*: If these *Fundamental Axioms* have with true *Deliberation* been *sifted* and *weighed*, not only as to their *intrinsic Nature*, and *Goodness*, but as to their *outward Tendency*, and *Consequences*, they must appear, tho' not perhaps as *infallible* in *themselves*, yet with Respect to the *Person* so considering them, as *demonstrative Truths*, as the *Light*, and *Oracles* of *God*, and *Reason*, set up in his *Breast*; by which He is always oblig'd to *Direct*, and *Govern* his *Thoughts*, *Resolutions*, and *Actions*; and which if He *swerves* from, *disowns*, or *betrays* upon any *sinister Motive* whatsoever (tho' after this nice Search they should prove *Erroneous*) involve the Man in a very heinous *Sin*, *treacherously* acting against his *Judgment*, and *giving the Lye* both to his *Faith*, his *Reason* and his *Knowledge*. This Matter being thus briefly *Premised*, it is Evident, that with regard to the several *Objects* it is *Conversant* about, Men may in *three* *Respects* be term'd Guilty of **FALSE BROTHERHOOD**.

1. *First, With Relation to God, the Church, or Religion, in which they hold Faith, or Communion.*

2. *Secondly, With Relation to the State, Government, or Society, of which they are Members.*

3. *Thirdly, With Relation to those Private Persons, with whom they have either Friendship, Correspondence, or Dealing.*

1. And *First, He is a FALSE BROTHER with Relation to God, Religion, or the Church in which he holds Communion, that Believes, Maintains, or Propagates any False, or Heterodox Tenet, or Doctrine, repugnant to the express Declarations of Scripture, and the Decrees, or Sense of the Church, and Antiquity thereupon.* For as in the first alone are contain'd the *Essential Points, and Articles* of our most Holy Faith; so the *Primitive Expositions, Decisions, and Practice* of the *ancient Writers* of the *Pure, and uncorrupted Ages* of Christianity, must certainly be acknowledg'd the *best, and most authentick Comments* upon their *Meaning.* In *Opposition* to which, if any *upstart Novelist, or self-conceited Enthusiast, out of Pride, as setting Himself above these Genuine Oracles of Truth, or out of Ignorance, as being unacquainted with the Learning, and Records of Antiquity; or out of Perverseness, scorning to submit his Understanding to the Dictates, or better Reason of Others; or out of Ambition, and Vain-glory, as affecting to be the Head, and Leader of some New Sect, or Party; (all, or either of which have, and will be found for ever the Parents of Heresy) and should break in upon this Sacred Depositum of the Church; and should attempt Blasphemously to Corrupt that inviolable Fountain of Truth, with Erroneous Conjectures, and vain Philosophical Systems; to Prophane and Degrade the Holy Mysteries of Religion, by absurd Interpretations, and impudent Reasonings; should we stick to call such a Rebel to God, and Traitor to his Church, a FALSE BROTHER? If a Man should dare not only to Revive, by to Justifie any Execrable, Explored Heresies, as those of Arrius, and Nestorius, denying the Hypostatical Union, or the Eternity of the Son of God; or should affirm that He was God in Man, or that the Godhead was only Locally in his Manhood, as God was in the Cloud; or that should Presume to Evacuate the great Sanction of the Gospel, the Eternity of Hell-Torments; or Expound any of the Articles of our Faith, in such a Loose and Vagrant way, as may suit 'em as well to a Mahometan's as a Christian's Creed; and to lay open all those Sacred Boundaries of the Church, to let in all Sectarists, and Schismatics, of whatsoever Wild, Romantic, or Enthusiastic Notions, so as to make the House of God, not only a Den of Thieves, but a Receptacle of Legions of Devils: Should we cover such a False Apostle under the Sacred Umbrage of a True Church-man? In short, whosoever presumes to Recede the least Tittle from the express Word of God, or to explain the great*

Credenda of our Faith in *New-fangl'd Terms* of Modern Philosophy, must publish a *New-Gospel*, *Un-god* his Saviour, and *Destroy* his Revelation; and by unsettling the *Universal Receiv'd Doctrine* of the Church, give up Christianity into *Scepticism*, and *Atheism*; and to speak the best of his Character, is *FALSE* both to his God, and his Religion, and shall be called hereafter, *The Least in the Kingdom of Heaven*, how Great soever he may be in the Kingdoms here below. And as a Man may thus *Betray* the *Doctrine* of his Church, so is he no less *FALSE* to its *Interest*, that gives up any *Point* of her *Discipline*, and *Worship*. These are the *Exterior Fences* to Guard the *Internals* of Religion, without which they are left *Naked*, without *Beauty*, *Order*, or *Defence*. Should any Man, out of *Ignorance*, or *Prejudice*, to the *Ancient Rights*, and *Essential Constitution*, of the *Catholick Church*, Affirm, That the *Divine Apostolical Institution* of *Episcopacy*, is a *Novel Doctrine*, not sufficiently Warranted by *Scripture*, and that 'tis indifferent whether the Church is Governed by *Bishops*, or *Presbyters*; Is not such an one an *Apostate* from his own *Orders*? Let the *Christian World* be Judge, who best deserve the Name of *Church-Men*, those that strictly *Defend*, and *Maintain* the *Catholick Doctrines*, upon which the Church, as a *Society*, is *Founded*, or those who would *Barter* them for a *Mungrill-Union* of all *Sects*? Those who *Zealously* support her *Mission*, which only can support her, or those who would *destroy* it, to take in *Schismatical Presbyters* without *Episcopal Ordination*, which would *Un-Church* the very Church, and *Annihilate* her *Constitution*? Is this the *Spirit*, and *Doctrine* of our Holy Mother? To assert *Separation* from her *Communion*, to be no *Schism*; or if it was, that *Schism* is no *Damnabable Sin*; that *Occasional Conformity* is no *Hypocrisy*, but rather for the *Benefit* of the Church; that any one may be an *Occasional Conformist* with *Schismatics*, and yet not guilty of *Schism*; that a *Christian* may serve God in any *Way* or *Congregation* of *Worship*, as well by *Extemporary Prayers*, as by a *Prescrib'd Form*, and *Liturgy*; that *Conformity* to the Church, and *Ecclesiastical Authority* are no *Parts* of *Morality*, and a *Good Life*, which are only necessary to *Salvation*: That the *Orders* and *Ceremonies* of the Church, are only *Carnal*, *Arbitrary Ordinances*, to be *Dispens'd* with as Men please, both by *Clergy* and *Laity*; that the *Censures* and *Excommunications* of the Church, are meer *Bruta Fulmina*; *Canonical Obedience*, and *Absolution*, *Spiritual Tyranny*, and *Usurpation*; and in a Word, that the whole *Body* of the *Worship*, and *Discipline* of the Church of England, is nothing else but *Priestcraft*, and *Popery* in *Masquerade*. If upon all Occasions to comply with the *Dissenters* both in *Publick*, and *Private Affairs*, as Persons of *Tender Conscience*, and *Piety*, to promote their *Interests* in *Elections*, to *sneak* to 'em for *Places*, and *Preferment*, to *Defend Toleration*, and *Liberty of Conscience*, and under the Pretence of *Moderation*,

to excuse Their *Separation*, and lay the Fault upon the *True Sons of the Church*, for carrying *Matters too high*; If to Court the *Fanatics* in Private, and to hear 'em with *Patience*, if not *Approbation*, Rail at and *Blaspheme* the *Church*, and upon occasion to *Justifie* the *King's Murder*; If to *Flatter* both the *Dead* and the *Living* in their *Vices*, and to tell the *World*, that if they have *Wit*, and *Money* enough, they need no *Repentance*, and that only *Fools* and *Beggars* can be *Damn'd*; If these, I say, are the *Modish*, and *Fashionable* *Criteria* of a *True Church-Man*, God deliver *Us* all from such **F A L S E B R E T H R E N**.

There is another sort of them who are for a *Neutrality in Religion*, who really are of *none*, but are a *secret* sort of *Reserv'd Atheists*, who always pretend to be of the *Church*, join in the *Herd*, and will sometimes frequent our *Publick Communion*, as long as the *Government* appears on our side; but if anything is to be got by it, can with as *safe a Conscience* slide privately into a *Conventicle*, and look as *demure* as the *flyest Saint* amongst 'em. They are equally of all, and of *no Communion*, they are the *Gallio's* that care for *none of these Things*; They tell us they are for the *Religion Establish'd by Law*, but no longer than 'tis so; they can see neither Sin nor Danger in that *Ecclesiastical Bugbear*, as they call *Schism*, yet talk very loud about *Union*, *Comprehension*, and *Moderation*; by all which *canting Expressions*, they mean nothing but getting *Money* and *Preferment*, by holding in with Persons of all *Parties*, and *Characters*, halting betwixt a Diversity of *Opinions*, and *Reconciling God* and *Belial* for *Gain*. To these we may add those who either out of *Fear*, or *Complaisance*, can tamely, and without *Vindication*, hear their *God* and *Religion* *Blasphem'd* and *Abus'd*. But there is another sort of **F A L S E B R E T H R E N**, who set up for a greater *perfection of Piety* than their Neighbours, who like their *Originals*, the *Pharisees* in the *Gospel*, are always pleading their *Merits* before *God*, and the *World*, with an *Ostentation* of *Sanctity*, in comparison with their *Profane Brethren*, with a *Stand off*, for *I am Holier than Thou*! These are the *Saints*, that under the pretence of *Conscience*, shall commit the most *abominable Impieties*, and justify *Murder*, *Sacrilege*, and *Rebellion*, by *Texts of Scripture*. There are yet another sort of **F A L S E B R E T H R E N**, of a quite opposite Character to these, who wish well to the *Church of England*, and really believe her *Constitution in Doctrine*, *Discipline*, and *Worship*, the best and purest in the *Christian World*, and when either their *Tongues*, *Hands*, or *Purses* are wanting in her *Defence*, are ready to *Sacrifice* their *Persons*, and *Estates* in her *Vindication*. These indeed are *noble Qualifications*, and 'tis pity so good a Character should want anything to *Compleat* it. And to turn the Words of our *Blessed Saviour* to the *rich Man*, yet one thing thou lackest, thy *Zeal* is to be

shewn in, as well as for, the Communion of the Church, in obeying her *Precepts*, as well as defending her *Rights*. In all these Cases there is a Serious and Deliberate Act of *Treachery* against *Conscience* and *Conviction*, a base Forfeiture of that *Spiritual Allegiance* we owe to God, and our Church, as a sacred Body, and *Fraternity*, that ought to preserve inviolable *Unity*, professing *one Faith*, *one Baptism*, *one God*, and *Saviour* of us all.

2. But Secondly, Men may be Denominated FALSE BRETHREN, with Relation to the State, Government, or Society of which they are Members. The Constitutions of most Governments differing according to their several Frames, and Laws, upon which they are Built, and Founded, it is impossible to lay down any one Universal Rule, as the Scheme and Measure of Obedience, that may square to every one of them. Only this Maxim in General, I presume, may be Establish'd for the Safety, Tranquility, and Support of all Governments, that no Innovation whatsoever should be allow'd in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable Necessity for it; and whosoever singly or in a private Capacity should attempt it, is Guilty of the Highest Misdemeanour, and is an Enemy to that Politick Body of which he is a Member. To Apply this Maxim to our Government, in which the Truth of it will very evidently appear. Our Constitution both in Church and State, has been so admirably contriv'd, with that Wisdom, Weight, and Sagacity, and the Temper, and Genius of each, so exactly Suited, and Modell'd to the mutual Support, and Assistance of one another, that 'tis hard to say, whether the Doctrines of the Church of England contribute more to Authorize, and Enforce our Civil Laws, or our Laws to Maintain and defend the Doctrines of our Church. The Natures of both are so nicely Correspondent, and so happily Intermixt, that 'tis almost impossible to offer a Violation to the one, without breaking in upon the Body of the other. So that in all those Cases before mention'd, whosoever presumes to Innovate, Alter, or Misrepresent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to our State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion, and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate, as much to Punish, and Restrain, as the Ecclesiastical. However this Assertion at first View may look like an High flown Paradox, the Proof of it will fully appear in a few Instances. The grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subject's Obligation to an Absolute, and Unconditional Obedience to the Supreme Power, in all things lawful, and the utter Illegality of Resistance upon any

any Pretence whatsoever. But this *Fundamental Doctrine*, notwithstanding its *Divine Sanction* in the *Express Command* of God in *Scripture*, and without which, it is impossible any *Government* of any *Kind*, or *Denomination* in the *World* should *subsist* with *Safety*, and which has been so long the *Honourable* and *Distinguishing Characteristick* of Our *Church*, is now, it seems, quite *Exploded*, and *Ridicul'd* out of *Countenance*, as an *Unfashionable*, *Superannuated*, nay (which is more wonderful) as a *Dangerous Tenet*, utterly *Inconsistent* with the *Right, Liberty* and *Property*, of the *PEOPLE*; who, as our *New Preachers*, and *New Politicians* teach us, (I suppose by a *New and Unheard of Gospel*, as well as *Laws*) have in *Contradiction* to *Both*, the *Power* invested in *Them*, the *Fountain and Original* of it, to *Cancel* their *Allegiance* at pleasure, and call their *Sovereign* to account for *High Treason* against his *Supreme Subjects* forsooth; nay to *Dethrone* and *Murder* Him for a *Criminal*, as they did the *Royal Martyr* by a *Judiciary Sentence*. And, what is almost *Incredible*, presume to make their *Court* to their *Prince*, by maintaining such *Anti-monarchical Schemes*. But, God be *Thanked*! neither the *Constitution* of our *Church* or *State*, is so far *Alter'd*, but that by the *Laws* of *Both* (still in *Force*, and which I hope for ever will be) these *Damnable Positions*, let 'em come either from *Rome*, or *Geneva*, from the *Pulpit*, or the *Press*, are condemn'd for *Rebellion*, and *High Treason*. Our *Adversaries* think they effectually stop our *Mouths*, and have us *Sure* and *Unanswerable* on this *Point*, when they urge the *Revolution* of this *Day* in their *Defence*. But certainly *They* are the *Greatest Enemies* of *That*, and his *Late Majesty*, and the most *Ungrateful* for the *Deliverance*, who endeavour to cast such *Black* and *Odious Colours* upon *Both*. How often must they be told, that the * *King Himself* solemnly *Disclaim'd* the *Least Imputation* of *Resistance* in His *Declaration*; and that the *Parliament* declar'd, That they set the *Crown* on his *Head*, upon no other *Title*, but that of the *Vacancy of the Throne*? And did they not *Unanimously* condemn to the *Flames* (as it justly Deserv'd) that *Infamous Libel*, that would have *Pleaded* the *Title of Conquest*, by which *Resistance* was suppos'd? so *Tender* were they of the *Regal Rights*, and so averie to infringe the least *Tittle* of our *Constitution*! We see how ready these *In-cendiaries* are to take the least *Umbrage*, to charge their own

Cursed

* His Highness Declares, in *Opposition* to those who give out, That we do intend to *CONQUER* and *ENSLAVE* these *NATIONS*, that we have thought fit to add a few Words to our *Declaration*; "It is not to be imagin'd, that either those who have invited Us, or those who are already come to *Assist* Us, can join in a *WICKED ATTEMPT OF CONQUEST*, to make void their own *Lawful Titles* to their *Honours, Estates, and Interests*." See the *Prince of Orange's Declaration*. Dr. Kennet's *History of the Four Last Reigns*, p. 493.

Cursed Tenets on the Church of England, to Derive their Guilt upon it, and Quit Scores with it for Their Iniquity! Thus do they endeavour to draw *Comparisons*, and to justify the Horrid *Actions* and *Principles* of *Forty One*, which have been of late Years, to the Scandal of our *Church*, and Nation, so *Publickly* Defended, not only by the *Agents* and *Writers* of the *Republican Faction*, but by some that have the *Confidence* to Style themselves *Sons*, and *Presbyters* of the *Church of England*; who in open *Defiance* of the most *peremptory Declarations* of God in *Scripture*, (never to be evaded by any *Shifts* or *Misinterpretations*) and the *Universal Doctrine*, and *Expositions* of the *Catholic Church* upon it in all *Ages*, with the *Express Testimony*, and *Concurrence* of Our *Church*, from its *Reformation* down to the present *Times*, corroborated with the *Sense* of Our *Legislature*, so *unexceptionably confirm'd* in Our *Laws*, Dare, in *Despight* and *Contempt* of all this *Evidence*, manifestly Defend the *Resistance* of the *Supreme Power*, under a *New-fangl'd Notion* of *Self-Defence*; the only Instance they shew of *Shame*, that they dare not YET maintain *Rebellion* by its *Proper Name*. Yet, if those *silly Pretences*, and *weak Excuses* for it alledg'd, carry any *Strength*, or *Reason* in them at all, they will equally serve to *Justify* all the *Rebellions* that ever were or can be committed in the *World*. Now as the *Republicans* Copy after the *Papists* in most of their *Doctrines* and *Practices*, I would fain know in this where the *Difference* lies, betwixt the *Power Granted* to, (as 'tis suppos'd *Originally Invested*, but from what *Commission* God knows, in) the *People*, to *Judge*, and *Dethrone* their *Sovereigns*, for any cause they think fit; or a no less *Usurped Power* of the *Pope*, to *solue* the *People* from their *Allegiance*, and *dispose* of *Scepters*, and *Diadems* to his *Favourites*, whenever he thinks it is his *Interest* to pluck them from his *Enemies* Heads. *Comparisons* are generally *Odious*; but a *Learned Bishop* of our *Kingdom*, whose *Aversion* to *Popery*, I hope, is not doubted, I mean the * *Right Reverend* the *Lord Bishop* of *Sarum*, has been bold *Judiciously* to *Determin*, even on the *Papist's* Side in this Case, That if such a *Deposing Power* is to be intrusted in *Mortals Hands*, less *Inconveniencies* will ensue in placing it in *One*, than in *Many*, tho' God forbid it ever should be Lodg'd in any other than that of God himself, the *Original* of all *Power*,
from

* Less Disorder may be apprehended from the *Preensions* of the *Roman Bishops*, than from these *Maxims*, that put the *Power* of *Judging* and *Controlling* the *Magistrate* in the *PEOPLE's* Hands, which opens a Door to *Endless Confusions*, and indeed, sets every *Private Person* upon the *Throne*, and introduceth an *Anarchy*, which will never admit of *Order* and *Remedy*; whereas, Those who have but *One PRETENDER* over Them, could more easily deal with Him, and more *Vigorously RESIST* Him. [*Vindication of the Church of Scotland. Printed at Glasgow, 1673. p. 68. 69.*]

from whom it proceeds, and to whom it must Return, the *King of Kings, Lord of Lords, and ONLY Ruler of Princes*. So that these *Romantick wild Notions* will carry Us into something worse (if 'tis possible) than *Popery* it self; more *Fatal* to the *Rights and Interests* of the *Crown*, and the *Welfare and Tranquillity* of Our *Constitution*, which can never be *Safe* under such *Precarious Dependencies*, and *Despotic Imaginations*. A *Prince* indeed in another Sense, will be the *Breath* of his *Subjects Nostrils*, to be *Blown* in, or out, at their *Caprice*, and *Pleasure*, and a worse *Vassal* than even the meanest of his *Guards*. Such *Villainous and Seditious Principles* as these, demand a *Confutation* from that *Government* they so insolently *Threaten* and *Arraign*, and which are only *Proper* to be *Answer'd* by that *Sword* they would make our *Princes bear in Vain*, by the *So-long-call'd-for Censure* of an *Ecclesiastical Synod*, and the *Correction* of a *Provok'd and Affronted Legislature*; to whose *Strict Justice*, and *undeserv'd Mercy*, I commit both *them* and Their *Authors*. Only give me leave to dismiss 'em with a *Remark* of the *Pious and Learned Bishop Andrews*, upon some of their **FALSE BRETHREN** in his time. * *What* (says that *Good Prelate*) *is now become of those Words of God, Touch not mine Anointed? Are we not fallen into Strange Times, that Men dare thus Print and Publish, yea, even Preach, and Proclaim their Sins; even those sinful and shameless Positions, to the Eyes, and Ears of the whole World? Whereby God's Anointed are Endanger'd; Mens Souls are Poyson'd, Christian Religion is Blasphem'd as a Murtherer of her Own Kings; God in his Charge is openly contradicted, and Men made Believe, they shall go to Heaven in breaking God's Commandments.* What could have been spoken with a more *Prophetical Spirit*, of these *filthy Dreamers*, These *presumptuous and self-will'd Men*, *Despisers of Dominion*, and *Government*, who are not afraid to speak *Evil of Dignities*, who *wrest the Word of God to their Own*, and their *deluded Peoples Perdition*, and think to *consecrate* even the worst of *Sins*, with what is almost *Analogous* to the *Blasphemy against the Holy Ghost*! These **FALSE BRETHREN** in Our *Government*, do not *singly*, and in *private* spread their *Poyson*, but (what is lamentable to be spoken) are suffer'd to combine into *Bodies*, and *Seminaries*, wherein *Atheism, Deism, Tritheism, Socinianism*, with all the *Hellish Principles of Fanaticism, Regicide, and Anarchy*, are openly *profess'd and taught*, to *corrupt and debauch the Youth* of the *Nation*, in all *Parts* of it, down to *Posterity*, to the *present Reproach*, and *future Extirpation* of our *Laws*, and *Religion*. Certainly the *Toleration* was never intended to *Indulge*, and *cherish* such *Monsters*,

* Sermon 3. on the Conspiracy of the GOWRIES, Preach'd before the King at Holdenbeigh, Aug. 5. 1610. p. 308.

Monsters, and Vipers in our Bosom, that scatter *Their Pestilence* at Noon-day, and will rend, distract, and confound, the firmest and Best-settl'd Constitution in the World. In short, as the *English Government* can never be Secure on any other Principles, but strictly those of the *Church of England*, so I will be bold to say, where any Part of it is *Trusted* in Persons of any *Other Notions*, They must be *False to Themselves*, if They are *True to Their Trusts*; or if They are *True to Their Opinions, and Interests*, must *Betray that Government* They are *Enemies to* upon Principle. Indeed, We must do 'em that Justice, to confess, That since the *Sectarists* have found out a Way (which their *Forefathers*, God knows, as Wicked as they were, would have Abhorr'd) to swallow not only *Oaths*, but *Sacraments*, to *Qualifie* themselves to get into *Places*, and *Preferments*; these *Sanctify'd Hypocrites* can put on a shew of *Loyalty*, and seem tolerably Easy in the *Government*, if they can Engross the *Honours and Profits* of it: But let *Her Majesty* reach out *Her Little Finger* to touch their *Loyns*, and these sworn *Adversaries* to *Passive Obedience*, and the *Royal Family*, shall fret themselves, and *Curse their Queen, and their God, and shall look upwards*. And so much for Our *Political FALSE BRETHREN*, 'till I come to speak with 'em again by and by. I proceed,

3. In the Third Place, to a more *Inferior Species* of Them, that *Act in a lower Sphere*, namely, *Those who in their Private Capacities, are FALSE* either in their *Friendship, Correspondence, or Dealing*; But these *Sins of Unfaithfulness*, as the *Psalmist* calls them, being of so copious, and extensive a Nature, and Respecting the *Private Concerns of Humane Life*, I shall only trouble You with enumerating some of the *General Instances* of them: Such as are, *Betraying our Friend in his Secrets, Deserting him in his Misfortunes, in not Defending his Reputation, when falsely Accus'd, in an obsequious Compliance with Him in any indirect, or dishonourable Measures, in a Nauseous Flattery of his Follies, or Vices, in Permitting him in any Error, without Admonition, and in Giving him wrong Advice, and not leading him out of it*. Such are also with regard to Our *Neighbour, the Concealing, or Misrepresenting any Truth that he is concern'd to know, Playing upon his Faith with doubtful and ambiguous Insinuations, with double Equivocations, and dissimulatory Expressions, an Actual Breach of Word, Promise, or Profession, clandestine Undermining, by Circumvention, Fraud, or Craft, Back-biting, and secretly Slandering, Propagating Scandal, and Bearing False Witness, and Partaking several ways in his Sins*; which are all the *Characteristicks* of an *Insidious, Treacherous, and False-hearted Knave*. But these *Vices* being of a *Private Consideration*, I hasten to the next *General Head* propos'd, *Namely,*

II. Secondly, *To lay before You the great Peril, and Mischiefs of these FALSE BRETHREN in Church and State*; which I shall endeavour to do, by Proving that They *Weaken, Undermine, and Betray in themselves, and Encourage, and put it in the Power of Our Profess'd Enemies, to Overturn, and Destroy the Constitution and Establishment of Both.*

I. And First, as to the *Church*. But here it is very *Necessary* to Premise, That by the *Church of England*, We are to understand the *True Genuine Notion* of it, as it stands *Contradistinguish'd* in its *Establish'd Doctrine, Discipline, and Worship*, from all other *Churches*, and *Schismatics*, who would *Obtrude* upon us, a *Wild, Negative Idea* of a *NATIONAL CHURCH*, so as to *Incorporate Themselves* into the *Body*, as *True Members of it*; Whereas 'tis evident that this *Latitudinarian, Heterogeneous Mixture* of all Persons of what *different Faith* soever, *Uniting in Protestancy*, (which is but one *single Note* of the *Church of England*) would render it the most *Absurd, Contradictory, and Self-Inconsistent Body* in the *World*. This *Spurious, and Villanous Notion*, which will take in *Jews, Quakers, Mahometans*, and any thing as well as *Christians*, as ridiculously incongruous as 'tis, may be first observ'd, as One of those *Prime, Popular Engines*, our *FALSE BRETHREN* have made use of to *Undermine* the very *Essential Constitution* of our *Church*; which as it stands *Guarded* with its own *Sacred Fences*, with her only *True Sons* in her *Bosom*, may *Defy all the Malice* of the *Devil*, and her *Enemies*, to prevail against her. But such is her *hard Fortune*, her *Worst Adversaries* must be let into her *Bowels*, under the *holy Umbrage* of *Sons*, who neither *Believe* her *Faith*, *Own* her *Mission*, submit to her *Discipline*, or *Comply* with her *Liturgy*. And to admit this *Religious Trojan Horse*, big with *Arms and Rain*, into our *Holy City*, the *Streight Gate* must be laid quite open, her *Walls*, and *Inclosures* pull'd down, and an *High-Road* made in upon her *Communion*, and this *pure Spouse of Christ* *Prostituted* to more *Adulterers* than the *Scarlet Whore* in the *Revelations*. Her *Articles* must be *Taught* the *Confusion* of all *Senses, Nations, and Languages*, to render her a *Babel*, and *Desolation*. This was indeed the ready way to fill the *House of God*, but with what? With *Pagan Beasts*, instead of *Christian Sacrifices*, with such *Unhallow'd, Loathsome, and Detestable Guests*, as would have *Driv'n out the Holy Spirit of God* with *Indignation*. This *Pious Design* of making our *House of Prayer* a *Den of Thieves*, of *Reforming Our Church* into a *Chaos*, is well known to have been *Attempted several times* in this *Kingdom*, and lately within our *Memory*, when all things seem'd to *Favour it*, but that *Good Providence*, which so happily *Interpos'd*, against the *Ruin* of Our *Church*, and *Blasted* the *long-projected Scheme* of these *Ecclesiastical Achitophels*. A *Scheme* so *Monstrous, so Romantic,*

tic, and *Absurd*, that 'tis hard to say, whether it had more of *Villany*, or *Folly* in it, and which even the *Sectarists* of all sorts (who will not be satisfy'd with any thing less than *Sovereignty*) *Exploded*, and *Laugh'd* at, as *Ridiculous*, and *Impracticable*. It was doubtless a *Wise* way to Exemplify Our *Brotherly Love* and *Charity* for the *Souls* of Men, to put both *Them*, and *Our selves* into a *Gulph* of *Perdition*, by throwing up the *Essentials* of Our *Faith*, and the *Uniformity* of Our *Worship*. But since this *Model* of an *Universal Liberty*, and *Coalition* fail'd, and these **FALSE BRETHREN** could not carry the *Conventicle* into the *Church*, they are now resolv'd to bring the *Church* into the *Conventicle*, which will more *Plausibly* and *Slily* Effect her *Ruin*. What could not be gain'd by *Comprehension*, and *Toleration*, must be brought about by *Moderation*, and *Occasional Conformity*; that is, what they could not do by *Open Violence*, they will not fail by *Secret Treachery* to Accomplish. If the *Church* can't be pull'd down, it may be blown up; and no matter with these Men *How 'tis Destroy'd*, so that it is *Destroy'd*. Now let us, I beseech you in the Name of God, fairly consider what must be the *Consequence* of this *scandalous Fluctuation*, and *Trimming* betwixt the *Church*, and *Dissenters*, both in *Conscience*, and *Prudence*. Does not this *Innovating* in, *Giving up*, or *Receding from*, any *One Point*, or *Article* in our *Faith*, *Violate*, and *Affect* the *Whole Frame*, and *Body* of it? Can we either *add to*, or *diminish from*, the least *Dot* of our *Religion*? Are we to take its *Constitution* as our *Saviour* and his *Apostles* deliver'd it down to us; or have we *Authority* to *curtail*, *mangle*, or *alter* it, to *Suit* it to the *Pride*, *Humours*, *Caprice*, and *Qualm-sick Stomachs*, of *Obstinate*, *Moody*, *Wayward*, and *Self-conceited Hypocrites*, and *Enthusiasts*? Will not such a *Base*, and *Time-serving Compliance* give the *Enemies* of our *Church* an *Occasion* of *Blaspheming* her as *Weak*, and *Inconstant*? Will it not *Argue* the *Illegality* of her *Ordinances*, and *Laws*, or that they were too *Rigid*, and wanted an *Abatement*? Will not this *Harden*, *Encourage*, nay, *Justify* the *Dissenters* in their *Opinion* of their *Separation*, when they see such large *Allowances*, and *Concessions* made in its *Favour*? What *Dishonourable* and *Unworthy Opinions* must they entertain of the *Priests* of that *Church*, who can *Sacrifice* their most *Solemn Declarations*, and *Oaths* to *Complaisance* and *Preferment*? What would be the *End* of all this, but to *Establish Heresy*, and *Erastianism* upon the *Ruins* of our *Faith*, and *Discipline*? Would not this *Spiritual Legerdemain*, this *fallacious Tricking*, and *double Dealing*, *Eradicate* all the *Principles* of *Truth*, and *Honesty*, or *Piety* out of Mens *Minds*, make 'em *Unconcern'd*, whether there is any, or no *Religion*; Run 'em into an *Universal Scepticism*, and *Infidelity*, and make 'em all *Atheists*, or *Papists*? For when they had turn'd about, and about, and were grown *Giddy* with *Change*,
they

they would either give up themselves to the *Disbelief of all things*, or Rest their *Wear'd Judgments* in the *Authority of that Church alone*, that can delude 'em with the *specious Pretences of an Infallible Guide*. Thus our FALSE BRETHREN, as the *Jews* did our *Blessed Saviour*, Crucify his *Church betwixt Thieves*; and as they committed that execrable Villany under a pretended Fear, lest the *ROMANS* should come and take away their *Place, and Nation*, which by that very Fact they brought upon *Themselves*; So these Men, out of a *Fictitious Fear*, lest the *Modern ROMANS* should come, and Destroy *Our Church*, are Working that *Ruin* they pretend to avoid, and under a false Zeal of Keeping out *Popery*, are themselves infallibly Bringing in that very *POPERY* into our *Kingdom*, with which they so falsely, and ungratefully endeavour to Attain the *Church of England*, the *Greatest Bulwark*, and only Safe-Guard against *Popery* in the whole *World*! Though it were highly to be wish'd that those *Excellent Laws* made for her *Defence and Security*, were at present put strictly into Execution; for the *Roman-Catholic Agents*, and *Missionaries* that swarm about this *Great City*, as it were in *Defiance and Contempt* of them, were never more Busy in making *Profelytes* to their *Superstition*, and *Idolatry*, and *Perverting and Debauching Her Majesty's Subjects* in every Corner of our *Streets*.

2. Thus we see how *Dangerous* these FALSE BRETHREN are to *Our Church*, which is so Great, and Considerable a *Branch of our Civil Constitution*, that the *Support of Our Government* depends upon its *Welfare*, and what *Affects That*, must strike at the *Foundation of Our State*; *Innovations* in either, tending to the *Subversion of their Laws*, and the *Unsettling the Establishment*, and consequently to *Anarchy and Confusion*. But to draw this *Argument* more home to the *Point*, I will endeavour to Prove, that our FALSE BRETHREN are as Destructive of our *Civil, as Ecclesiastical Rights*. For first, it cannot be deny'd, that tho' They do submit to the *Government*, their *Obedience* is forc'd, and constrain'd, and therefore so *Treacherous*, and *Uncertain*, as never to be *Trusted*, because proceeding upon no *Principle*, but meer *Interest and Ambition*; and whenever That changes, their *Allegiance* must follow it; and therefore (to use their *Own Expressions*) are as much *Occasional Loyalists* to the *State*, as they are *Occasional Conformists* to the *Church*; that is, they will *Betray* either, when ever it is in their *Power*, and they think it for their *Advantage*. FALSEHOOD always implies *Treachery*; and whether That is a *Qualification* for any One to be *Trusted*, especially with the *Guardianship of our Church, or Crown*, let our *Governors* consider. And certainly nothing but the most *Sottish Infatuation*, can so far *Blind* both our *Eyes*, and our *Judgments*, as to make us *Believe*, that the *same Causes* should not produce the *same Effects*,

Effects, and that the same *Latitudinarian*, and *Republican* Notions should not bring forth the same *Rebellious* and *Pernicious Consequences*. They are pleas'd now to *soften* their *Lewd Principles*, and cover their *Dangerous Tenets* with the Name of *Speculative Opinions*; but what *Fatal Practices* they have Created, and whether these *Seditious Thoughts* will not again *Exemplify* themselves in the same *Bloody Actions*, We shall be convinc'd, to our Sorrow, if We don't *Apprehend*. That the *Old Leaven* of their *Fore-fathers* is still *Working* in their *Present Generation*, and that this *Traditional Poyson* still remains in this *Brood of Vipers*, to *Sting Us to Death*, is sufficiently *Visible*, from the *Dangerous Encroachments* They now make upon our *Government*, and the *Treasonable Reflections* They have *Publish'd* on Her Majesty, God bless Her! Whose *Hereditary Right* to the *Throne*, They have had the *Impudence* to *Deny*, and *Cancel*, to make Her a *Creature of their own Power*; and that by the same *Principles* They plac'd a *Crown* upon Her, They tell Us, *They*, (that is, the *Mob*) may *Reassume* it at their *Pleasure*. Nay, now they have *Advanc'd* themselves from the *Religious Liberty* Our *Gracious Sovereign* has *Indulg'd* them, to *Claim a Civil Right*, as they *Term* it, and to *Justle* the *Church* out of *Her Establishment*, by *Hoisting* their *Toleration* into its *Place*; and to convince Us what *alone* will *satisfy* 'em, insolently *Demand* the *Repeal* of the *Corporation*, and *Test Acts*, as an *Ecclesiastical Usurpation*, which, indeed, under *Her Majesty* (whom God long *Preserve* for its *Comfort* and *Support*!) is the only *Security* the *Church* has to *Depend* upon; and which they have so far *Eluded* by their *Abominable Hypocrisy*, as to have *Undermin'd* Her *Foundation*, and *Indanger* the *Government*, by filling it with its *Profess'd Enemies*. These *Charges* are so *Flagrant*, and *Undeniable*, that a *Man* must be very *Weak*, or *something worse*, that thinks, or pretends, the *Dissenters* are to be *gain'd*, or *won over*, by any other *Grants*, and *Indulgences*, than giving up our *Whole Constitution*: And he that *recedes* the least *Tittle* from it, to *satisfy*, or *Ingratiate* with these *Clamorous, Insatiable, and Church-devouring Malignants*, knows not what *Spirit* They are of, or He ought to shew who is a *True Member* of *Our Church*. Have They not, ever since their first *Unhappy Plantation* in this *Kingdom*, by the *Intercession* of *That False Son* of the *Church*, *Bishop Grindall*, always *Improv'd*, and *Rise* upon their *Demands* in the *Permission* of the *Government*? In-
 somuch, that *Queen Elizabeth*, that was *Deluded* by that *Perfidious Prelate* to the *Toleration* of the *Genevian Discipline*, found it such an *Headstrong*, and *Encroaching Monster*, that in *eight Years*, She foresaw it would *Endanger* the *Monarchy*, as well as the *Hierarchy*: And like a *Queen of True Resolution*, and *Pious Zeal* for Both, pronounc'd, That 'such were the *Restless Spirits*
 'of

of that **FACTIOUS** People, "that no *Quiet* was to be *Expected* from them, till they were utterly *Suppress'd*: Which, like a *Prudent Princess*, She did by *Wholesome Severities*, that the Crown for many Years sat *Easy*, and *Flourishing* on Her Head. And had Her *Successor*, King James, but follow'd Her *Wise Politicks*, his Son had never fall'n a *Martyr* to their *Fury*, nor any of his *Unhappy Off-spring* suffer'd those *Disastrous Calamities*, which made the *Royal Family* one continu'd *Sacrifice* to their *Malice*. And what better could have been expected from *Miscreants*, Begot in *Rebellion*, Born in *Sedition*, and Nurs'd up in *Faction*? I would not here be *Misunderstood*, as if I intended to cast the least *Invidious Reflection* upon that *Indulgence* the Government has condescended to give 'em, which I am sure all those that wish well to our Church, are very ready to Grant to *Consciences truly Scrupulous*; let *Them* Enjoy it in the full Limits the *Law* has Prescrib'd. But let them also *move* within their *Proper Sphere*, and not grow *Eccentrick*, and like *Comets* that *Burst* their *Orb*, Threaten the *Ruin* and *Downfal* of our *Church* and *State*. Indeed they tell us they have *Relinquish'd* the *Principles*, as well as the *Sins* of their *Fore-fathers*: If so, why do they not *Renounce* their *Schism*, and come *Sincerely* into Our *Church*? Why do they *Pelt* Her with more *Blasphemous Libels*, and *Scurrilous Lampoons*, than were ever Publish'd in *Oliver's Usurpation*? Have they not lately *Villainously* Divided us with *Knaveish Distinctions* of *High* and *Low-Church* Men? Are not the *Best Characters* they can give Us, those of *Papists*, *Jacobites*, and *Conspirators*? And what do they mean by all this *Insidious Cant*, but by *False Insinuations*, and raising *Groundless Jealousies*, and *Fears*, to *Imbroil* the *Publick*, and bring it into that *Confusion*, they are *Suggesting* upon Us? Whether these Men are not *Contriving*, and *Plotting* our utter *Ruin*, and whether all those **FALSE BRETHREN**, that fall in with these *Measures*, and *Designs*, do not contribute basely to it, I leave every *Impartial Man* that wishes the *Welfare* of Our *Constitution* to *Determine*: And if we find this *True in Fact*, What Reason have we to think, but that the *National Sins* are *Ripen'd* up to a full *Maturity*, to call down *Vengeance* from *Providence* on a Church and Kingdom, thus *Debauch'd* in its *Principles*, and *Corrupted* in its *Manners*, and instead of the *True Faith*, *Discipline*, and *Worship*, given over to all *Licentiousness*, both in *Opinion*, and *Practice*, to all *Sensuality*, *Hypocrisy*, *Lewdness* and *Atheism*? And now are we under no *Danger* in these *Deplorable Circumstances*? Must we *Lull* Ourselves under this *sad Repose*, and in such a *Stupid*, *Lethargic Security*, *Embrace* our *Ruin*? When *Elisha*, the *Great Prophet* of God, was *Surrounded* with an *Host* of *Enemies*, that sought for his *Life*, his *Blind Servant* beheld not the *Peril* his *Master* was in, till his *Eyes* were *Open'd* by *Miracle*, and he found himself in the *midst* of *Horses* and

Chariots of Fire. I pray God we may be out of *Danger*! but we may remember the *King's Person* was *Voted* to be so, at the *same Time* that his *Murderers* were *Conspiring* his *Death*. What I have thus freely spoken, I hope is as much without Offence, as it proceeds from a Good Intention, and a Tender Concern for Her *Majesty's Person* and *Government*, and an Hearty Zeal for the *Honour* and *Safety* of our *Excellent Church* and *Constitution*. I entreat your *Patience*,

III. Briefly to set forth the *Heinous Malignity*, *Enormous Guilt*, and *Folly* of this prodigious Sin of FALSE-BROTHERHOOD.

1. And First, With Regard to *God* and *Religion*. It is a most *Perfidious Apostacy* from, and *Reproach* upon *Both*: It is no Less than *Renouncing* Our *Allegiance* to our *Almighty Sovereign*, an *Open Denial*, and *Prostitution* of Our most *Holy Faith*, and *Church*, upon which *Crime* God has *Entail'd* so many *Dreadful Threats*, and *Anathema's*. It is *Betraying* Our most *Solemn Oaths*, proving *False* to Our *Sacred Trust* and *Commission*, *Administring* to, and *Indulging* Men in the most *Mortal Sins*, *Endangering* both our *Own*, and the *Salvation* of that *Dear Flock*, for which *Christ* Dy'd, by *Exposing* it to the *Corruptions* of *Heresy* and *Schism*, the *Impostures* of *False-Apostles*, and the *Deceit*, and *Malice* of *Wolves in Sheep's Cloathing*. It is *Deriving* the highest *Blasphemy*, and *Dishonour* upon the *Holy Spirit of God*, thus to *Prevaricate* with his *Immutable Oracles of Truth*, in *Wresting* 'em to maintain the most *Diabolical Falshoods*, and *Errors*, and making *Veracity* itself the *Author* and *Patronizer* of *Lyes*. It is *Forsaking* our *Baptismal Covenant*, *Basely Deserting* the *Glorious Colours* we are *Listed under*, turning *Refugees* from our *Saviour*, and *Adherents* to his most *Abjur'd Enemies*. In a Word, to *Accomplish* any *Wretched Secular Design*, to *Gratifie* their *Pride*, or *Ambition*, to *Feed* their *Lust*, or *Avarice*, to *wreak* their *Spleen*, or *Revenge*, out of *Envy*, or *Disappointment*, for a *Little*, *Paultry Honour*, *Money*, or *Preferment*, These FALSE BRETHREN will *Renounce* their *Creed*, and *Read the Decalogue backward*, be the very *Reverse* of our *Blessed Saviour* (whom like their *Primitive Pattern*, they first *sell*, and then *betray*) *Fall down and Worship* the very *Devil himself*, for the *Riches* and *Honours* of this *World*.

2. Secondly, In Regard to the *World*. What a vast *Scandal*, and *Offence* must it give to all *Persons of Piety* and *Integrity*, to see *Men of Character*, and *Stations*, thus *Shift* and *Prevaricate* with their *Principles*, and *Starting* from their *Religion* upon any *Occasion of Difficulty* or *Trial*, and, like the *Disciples*, *flying from*, and *forsaking* our *Saviour*, when his *Life* lay at *Stake*? To see *Men's Opinions* sit as loose about 'em as their *Garments*, to be put on, or off, for *Convenience*? What can *Unwary Persons* conclude from such *Tergiversation* and *Hypocrisy*, but that all *Religion* is *State-craft* and *Imposture*? That All *Godliness* is

Gain;

Gain; and that the *Doctrines* of the *Church* lie not so much in Her *Articles*, as Her *Honours* and *Revenues*? Without doubt, this *Modern Latitude*, and Infamous *Double-dealing*, as it can proceed from nothing but the rankest *Atheism*, so it must Propagate it wheresoever it goes; and it is not to be question'd, but that the *Wonderful Increase*, and *Impudent Appearance* of all *Sects* and *Heresies* in this Kingdom at present, beyond what was ever known in former *Ages*, is chiefly to be attributed to it. But this *Crime* is as pernicious to *Human Society*, as *Religion*; for it destroys all common *Honesty*, *Faith* and *Credit* in the *World*, and in the Place of it sets up an *Universal Trade* of *Consenage*, *Sharping*, *Disimulation*, and downright *Knavery*. For, what *Dependance* can there be upon a Man of no *Principles*? What *Trust* in *Equivocations*, *Evasions*, and *Lyes*? Nor indeed could any one be suppos'd so sottish, as to place the least *Confidence* in these *Men*, did they not bait their *Hook*, and cover their *Treachery* with the Sacred and Plausible *Pretences* of *FRIENDSHIP*, whereby they are capable of doing much more *Mischief*, than a bare-fac'd and profess'd *Enemy*. In what moving and *Lively Colours* does the Holy *Psalmist* paint out the crafty *Insidiousness* of such wilily *Volpones*? *Wickedness* (says he) is therein, *Deceit* and *Guile* go not out of their streets. For it is not an *Open Enemy* that has done me this *Dishonour*, for then I could have born it; neither was it mine *Adversary* that did magnify himself against me, for then peradventure I would have hid myself from him. But it was even *Thou*! my *Companion*, my *Guide*, and mine own familiar *Friend*. We took sweet *Counsel* together, and walked in the *House of God* as *Friends*. There is no *Faithfulness* in their *Mouths*, their inwards *Part* are very *Wickedness*, their *Throats* are open *Sepulchres*, and their *Words* are smoother than *Oil*, yet be they very *Swords*. Like *Joab*, they pretend to speak peaceably, and smite us mortally under the fifth *Rib*.

3. Thirdly, With Regard to a Man's Self, it is hard to distinguish whether our *FALSE BRETHREN* prove themselves guilty of more excessive *Knavery*, or *Folly*. For, whatever these cunning, temporizing *Politicians* may think, they will find, after all their *Shuffling* and *Compliance*, that the plain *Road* of *Truth*, *Honesty* and *Integrity*, is both the most *Prudent*, as well as the *Safest Way* they can follow, and that the *Wisdom* of this *World* is as much *Foolishness* with *Men*, as 'tis with *God*. For certainly there is no *Sin* that so much disappoints its own *Ends* as *This* does. Perhaps the *Man* may obtain the present *Advantage* He has in *Prospect*, by relinquishing his old *Friends* and *Principles*; but is ever such a *Mercenary Convert* received heartily into the *Bosom* of his former *Enemies*? Or are they ever found so credulous and good-natur'd, as to forgive, and believe such an *Apostate* cordial and sincere, and fit to be trusted in any *Matter* of *Weight* or *Importance*, who has *Betray'd* his own *Par-*

ty for the little, sordid *Lucre* of a *Place* or *Preferment*? And is again ready to be *Retrograde*, whenever the *Wind* shall change and *veer* about? Such a **FALSE BROTHER** may serve the present *Turn* of his *Adversaries*, who may seem, whilst they want the **TOOL**, to *flatter* and *caress* him; but let such a *Turn-coat* rest assur'd, He shall meet with *Hypocrisy* for *Hypocrisy*; and since He is got upon the *Stage*, shall *act* his *Part*, and and be *Hiss'd* off when He has done? Such a *Wise Game* do our *Projectors* play, they *barter* and *betray* their *Friends*, only to *sell* themselves *Slaves* into the *Hands* of their *Enemies*, who shall *treat* them with more *Insolence*, *Disdain*, and *Tyranny*, than *honest Men* do with *Scorn* and *Contempt*, if they don't go the *whole Lengths* of their *Party*, *stick at Nothing*, though never so *Impious* and *Absurd*, and run from one *Extream* to a quite *Contrary*. Thus *little*, thus *base*, thus *odious*, thus *contemptible*, thus *Servile*, nay, thus *execrable* is the *Traitor* and *Double-Dealer* in the *Sight*, not only of all *Honest Men*, but the most *profess'd* *Knaves* and *Hypocrites*! Who cannot but have a *Tacit Regard* and *Veneration* for a *Man* of *Steadiness* and *Probity*, that upon *All Occasions* is *True to Himself*, and his *Cause*, is above the *Threats*, as well as *Flatteries* of this *World*, still *trusting* in his *God*, and his own *Integrity* and *Justice*, *despising* his *Interest* or *Success*, and is under all *Circumstances* like that *God*, and *Religion*, He *believes* and *serves*, without *Variableness* or *Shadow* of *Change*, but is the *same* to *Day*, to *Morrow*, and for *ever*. Farther, these **FALSE BRETHREN** cannot be more *Odi-ous* to *God*, and *Man*, than they are to *Themselves*, who are always a *Self-Contradiction*, full of *Confusion*, and *Perplexity*, perpetually *Haunting* themselves, the *Worst* of *Dæmons*, maintaining an *Irreconcilable War* betwixt the *Outward* and *Inward Man*, *Conformists* in *Profession*, *Half-Conformists* in *Practice*, and *Non-Conformists* in *Judgment*. Such a *Mixture* of *Inconsistency*, and *Nonsense*, that any one that has the least *Spark* of *Conscience*, or *Reason*, must *Renounce*, and *Detest*. But this *Dismal Effect* has such a *State* of *Habitual Hypocrisy*, that it quite *Damps*, and *Extinguishes* Both, *Quenches* the *Holy Spirit* of *God*, and *Crucifies* his *Son* afresh; and at it finds a *Man* void of *Shame*, generally without a *Miraculous Conversion* leaves him incapable of *Repentance*, and both *Damns* him *here*, and *hereafter*; and as He *Chose* it in *This World*, *Appoints* him in the *Next*, his *Portion* with *Hypocrites*, and *Unbelievers*, with all *Lyars*, that have their *Part* in the *Lake* which *Burns* with *Fire* and *Brimstone*, with the *Grand-Father* of *Falshood*, the *Devil* and his *Angels*. And so here We leave our **FALSE BRETHREN**, in the *Company* they always keep *Correspondence* with.

IV. Now what should be the *Result* of this *Long Discourse*, but that if We bear any *True Concern* for the *Interest*, *Honour*, and *Safety* of Our *Church*, and *Government*, We ought *steadfastly*

to *Adhere* to those *Fundamental Principles*, upon which *Both* are *Founded*, and upon which their *Security*, under *God* alone, depends; and consequently that it highly *Behoves* Us, *Cautiously* to *Watch* against, to *Mark*, and *Avoid* All those that thus *Treacherously* *Desert* them. And indeed it would be both for *Our Advantage*, as well as *Their Credit*, if such Men would *throw off the Mask*, entirely *Quit Our Church*, of which they are no *True Members*, and not *fraudulently Eat Her Bread*, and *lay wait for Her Ruin*, *Purloin Her Revenues*, and *ungratefully Lift up their Heels* against Her. For then We should be *One Fold under One Shepherd*, all those *Invidious Distinctions* that now *Distract*, and *Confound Us Lost*, and we should be *Terrible like an Army of Banners* to our *Enemies*, who could never *Break in* upon such an *Uniform*, and *Well-compact Body*. This indeed would be a *True Peace*, and *Solid Union*, when we should *All with One Mind*, and *One Mouth*, *Glorify God*, and not with a *Confus'd Diversity of Contradictious Opinions*, and inconsistent *Jargon* of *Worship*, which the *God of Peace, Purity, and Order* cannot but *Abhor*. As it is a *Maxim* in *Politicks*, that *All Governments* are *best supported by the same Methods*, and *Counsels upon which they were Founded*; so it will appear undeniably *True* in its *Application* to our *Constitution*, which can be *Maintain'd* by no *Other Principles*, but *Those* on which it is *Built*, and like their *Basis*, the *Gospel*, if there's any *Violation*, or *Breach* made in any *Branch* of it, it *shakes* and *endangers* the *whole Frame*, and *Body*. These *Things*, however *Little* they may be *Represented* by Our *Adversaries*, will be found of the most *Considerable Consequence*. Let Us therefore, as we are unhappily *Sharers* of *St. Paul's Misfortunes*, to have our *Church in Perils among FALSE BRETHREN*, follow his *Example*, and *Conduct* in a *Parallel Case*. He tells us in his *Epistle* to the *Galatians*, c. 2. That he was *Obstructed*, and *Pester'd* in his *Preaching* the *Gospel*, by *FALSE BRETHREN*, *unawares brought in*, who came *Privily* to *spy out his Liberty*, which he had in *Christ Jesus*, that they might *bring him into Bondage*. To whom he gave place by *Subjection*, no not for an *Hour*, that the *Truth of the Gospel* might *continue with the Church*. Doubtless this *Brave*, and *Bold Resolution* did the *Apostle* take by the *peculiar Command*, and *Inspiration* of the *Holy Ghost*; and yet if Our *Dissenters* had *Liv'd* in those *Times*, they would have *Branded* him as an *Intemperate*, *Hot*, *Furious Zealot*, that wanted to be *Sweeten'd* by the *Gentle Spirit of Charity*, and *Moderation*, forsooth! *Schism*, and *Faction*, are *Things of Impudent*, and *Incroaching* *Natures*; they *Thrive* upon *Concessions*, take *Permission* for *Power*, and *Advance a Toleration* immediately into an *Establishment*; and are therefore to be treated like *Growing Mischiefs*, or *Infectious Plagues*, kept a *Distance* lest their *Deadly Contagion* spread. Let Us therefore have no *Fellowship*

ship with these Works of Darkneſs, but rather reprove them. Let Our Superior Paſtors do their Duty in Thundering out their Eccleſiaſtical Anathema's, and let any Power on Earth Dare Reverse a Sentence Ratify'd in Heaven. Let them Diſcountenance all theſe Seditious, Lukewarm, Almoſt-Chriſtians, and Promote Men of Probity, Conſcience, and Courage. I ſay Conſcience, and Courage, for the One without the Other, is like Faith without Works, Dead, and Inſignificant. A Chriſtian, and a Coward, are ſuch Contradictions, as were never found in the Church Militant; Men of Timorous, and Daſtardly Spirits, who are Aſham'd to Own, or Afraid to defend their Principles, leſt they ſhould loſe, or ſuffer by it, will prove very Poor Diſciples of the Croſs! Such Men, (as an Ingenious Prelate Wittily expreſſes it) are only Honest by Chance. Let Us Deſpiſe the ſneaking, ſhuffling Compliances of ſuch, as Conſult their Safety, and not their Innocence, and dare to be True in the Worſt of Times, with this All-ſuſtaining Cordial Comfort, that whatever Enemies We gain, or Friends We loſe, We carry One within Us, that can Confront, Vanquiſh, and Counter-Ballance All. Woe unto them that have a Fearful Heart, and to the Faint Hands, and to the Sinner that goeth two manner of ways! ſays the Wiſe Man, Ecclus. 2. 12. And agreeable to him the Apoſtle in very Sarcaſtic Expreſſions, Jude 11, 12, 13. Woe unto them that have gone in the Way of Cain, and ran greedily after the Error of Balaam for Reward, and Perish'd in the Gain-ſaying of Corah! Theſe are Spots in your Feaſts of Charity, Clouds without Water, carry'd about of Winds, Trees whoſe Fruits are wither'd, without Fruit, Twice Dead, pluck'd up by the Roots, Raging Waves of the Sea, foaming out their Own Shame; Wandring Stars, to whom is reſerv'd the Blackneſs of Darkneſs for ever. Let Us therefore, being well aſſur'd how much Our Cauſe Deſerves, and how much at preſent it Requires Our braveſt Reſolutions, hold faſt our Integrity, and Religion, without Wavering, and earneſtly Contend for the Faith, which was once deliver'd unto the Saints. My Brethren, be ſtrong in the Lord, and in the Power of his Might. Put on the whole Armour of God, that Ye may be able to ſtand againſt the Wiles of the Devil. For we wreſtle not only againſt Fleſh and Blood, but againſt Principalities, againſt Powers, againſt the Rulers of the Darkneſs of this World, againſt Spiritual Wickedneſſes in High Places. Wherefore take unto you the whole Armour of God, that ye may be able to withſtand in the Evil Day, and having done All, to ſtand, Eph. 6. 10, &c. Not doubting, but that if We ſhew the ſame Courage, and Indefatigable Zeal, and Labour, to Deſend, as Our Adverſaries to Reproach, Divide, and Ruin our Church, neither their united Malice, nor Power, nor all the Plots, and Mackinations of Rome, nor the very Gates of Hell it ſelf, ſhall ever be able to Prevail againſt Her. And let us Trust in that Gracious Providence, which ſo Miraculoſly Deliver'd

liver'd Her on this Day, that tho' She lies *Bleeding of the Wounds* she has receiv'd in the House of Her Friends, Lam. 2. 2, 4. tho' the ways of Zion may Mourn for a time, and Her Gates be Desolate, her Priests Sigh, and she in Bitterness, because Her Adversaries are Chief, and Her Enemies at present Prosper; tho' among all her Lovers she has few to Comfort Her, and many of Her Friends have dealt Treacherously with Her, and are become Her Enemies, Zech. 13. 6. tho' there are few to Guide Her among all the Sons whom she hath brought forth, neither are there many that take Her by the Hand, of all the Sons that she hath brought up, Isai. 51. 18. Tho' Her Enemies cry Down with Her, Down with Her, even to the Ground, Yet there is a God that can, and will Raise Her up, if We Forsake Her not. Let us not therefore ungratefully contribute to Her Destruction, but let us continue Stedfast, Immoveable, always abounding in the Work of the Lord, forasmuch as We know that our Labour will not be in vain in the Lord, 1 Cor. 15. 58. Now, the God of all Grace, who hath called Us into his Eternal Glory by Christ Jesus, after that ye have suffer'd a while, make you Perfect, Stablish, Strengthen, Settle You, 1 Pet. 5. 10, 11. To Him be Glory, and Dominion, for ever, and ever. Amen.

Let us Conclude all in that Excellent Collect of our Church.

O Lord, We beseech thee, let thy continual Pity Cleanse, and Defend thy Church; and because it cannot continue in Safety, without thy Succour, Preserve it evermore by thy Help, and Goodness, through Jesus Christ, Our Lord

After which the Lords Adjourned to the House of Lords.

Tuesday, February 28. The Second Day.

THE Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before:

Lord Chancellor. Gentlemen of the House of Commons, you may proceed in your Evidence.

Sir Joseph Jekyll. MY Lords, Yesterday your Lordships heard the Articles against Doctor *Sacheverell*, his Answer, and the Commons Replication, read; and the Charge being opened, your Lordships likewise heard the Doctor's Sermon preach'd at *St. Paul's*, and the Dedication of his *Derby* Sermon; so that the Case is now fully before your Lordships.

That Part which is assigned to me, and some other Gentlemen, is to maintain the first Article of the Commons Charge. The Method I shall take will be, first, to show the Importance of this Article; secondly, to clear up and vindicate the Justice of the Revolution; and, thirdly, to state the Evidence or Proof of this Article, which charges the Doctor with traducing and condemning the Revolution.

My Lords, I must premise, that the Commons cannot but think it hard, that in this Assembly of the *British* Nation, they should now after more than twenty Years Enjoyment of the Benefits arising by the Revolution, they can't but think it hard, I say, that in this Place, and at this Time, they should be forc'd to plead in Vindication of the Justice of that Revolution: But since we must give up our Right to the Laws and Liberties of the Kingdom, or, which is all one, be precarious in the Enjoyment of them, and hold them only during Pleasure, if this Doctrine of unlimited Non-Resistance prevails, the Commons have been content to undertake this Prosecution; and they who share in the Legislature with your Lordships, have put themselves into the Condition of Suiters for Justice against this Offender, in whom your Lordships will find the Reverse of a true *British* Subject: For such an one is dutiful and submissive to his Prince, and true to the Liberty of his Country; but in this Criminal your Lordships will find virulent Faction, and slavish Submission.

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As to the Importance of this Article, your Lordships were rightly told Yesterday, that the whole Charge centers in this Article. If the Justice of the Revolution be establish'd, the Toleration will be rejoic'd in by some, and be acquiesc'd in by all; the Resolutions of the two Houses of Parliament will have a just Regard shown to them; Her Majesty's Administration will be no longer defamed, nor will that unhappy Distinction of Parties be capable of being heighten'd amongst us. But if the Justice of the Revolution, which is our Foundation, be questioned, every thing that is built on it is in some Degree shaken, and Occasion is given for Disputes and Factions, never to be ended but by a total Subversion of our Constitution.

My Lords, As it is self-evident that the Honour of Her Majesty's Government stands upon the Justice of the Revolution, so doth the Peace and Tranquility of it depend upon that also. The Commons may appeal to your Lordships, and the whole Nation, in this Matter: From what Quarter is it that all that Opposition and Obstruction to the Administration of the late King, and Her present Majesty have come? Has it not been from those who have questioned the Lawfulness of the Resistance made use of in the Revolution? whose Pursuit after Power is indefatigable, and to obtain which they would make a willing Sacrifice of the Common Liberty; whilst others who have a contrary Principle, and are convinced of the Justice of that Proceeding, have acted a quite contrary Part. Have they not contributed every thing in their Power to strengthen the Government in Her present Majesty's Hands, as well as the late King's, and that with a Zeal and Constancy through several Changes, which nothing but a Principle could inspire? How much is owing to this Zeal in promoting the Settlement of the Protestant Succession, and how little to the contrary Principle, every one that remembers the State of Things at the End of the late King's Reign can tell. Upon the present Question therefore, my Lords, depend our present Happiness, and future Hopes. Hath not this Principle of unlimited Non-Resistance been revived by the professed and undisguised Friends of the Pretender? Hath it not been prosecuted, with an unusual Warmth, since his Attempt upon Her Majesty's Crown? Can the Pretender have any Hopes, but from the keeping alive such Notions? Or can the Queen's Title receive any Advantage from them? Or can it be reasonable to preach this Doctrine in the Reign of the best of Princes, which can be of no use to any but the worst?

In clearing up and vindicating the Justice of the Revolution, 22
which was the second thing proposed, it is far from the Intent of the Commons to state the Limits and Bounds of the Subject's Submission to the Sovereign. That which the Law hath been wisely silent in, the Commons desire to be silent in too; nor will

will they put any Case of a justifiable Resistance, but that of the Revolution only; and they perswade themselves that the doing Right to that Resistance will be so far from promoting popular License or Confusion, that it will have a contrary Effect, and be a Means of settling Mens Minds in the Love of, and Veneration for the Laws, to rescue and secure which was the only Aim and Intention of those concerned in that Resistance.

To make out the Justice of the Revolution, it may be laid down, that as the Law is the only Measure of the Prince's Authority, and the Peoples Subjection, so the Law derives its Being and Efficacy from common Consent. And to place it on any other Foundation than common Consent, is to take away the Obligation this Notion of common Consent puts both Prince and People under to observe the Laws: And upon this solid and rational Foundation the Lawyers in all Ages have placed that Obligation, as appears by all our Law-Books. But instead of this, of later Times, Patriarchal and other Fantastical Schemes have been framed, to rest the Authority of the Law upon, and so Questions of Divinity have been blended with Questions of Law; when it is plain, that Religion hath nothing to do to extend the Authority of the Prince, or the Submission of the Subject, but only to secure the Legal Authority of the one, and enforce the due Submission of the other, from the Consideration of higher Rewards and heavier Punishments: And if this Distinction were attended to, it might serve to bury the useless Labours, to say no worse of them, of several Divines, and others, on these Subjects, in utter Oblivion.

My Lords, Nothing is plainer than that the People have a Right to the Laws and the Constitution. This Right the Nation hath asserted and recovered out of the Hands of those who had dispossessed them of it at several Times. There are of this two famous Instances in the Knowledge of the present Age, I mean that of the Restoration, and that of the Revolution; in both these great Events were the Regal Power, and the Rights of the People recovered: And it is hard to say in which the People have the greatest Interest; for the Commons are sensible that there is not one Legal Power belonging to the Crown, but they have an Interest in it; and I doubt not but they will always be as careful to support the Rights of the Crown, as their own Privileges.

That the Constitution was wholly lost before, and recovered by the Restoration, is known to all; and before the Revolution, it is known how Popery and absolute Power had invaded the Constitution. The Regal Supremacy, of such Absolute Necessity to preserve the Peace of the Kingdom, was disclaimed, and the Papal Supremacy, by a solemn Embassy to *Rome*, owned and acknowledged, and no Footsteps left of the Regal Supremacy but that which was worse than nought,
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an Illegal High-Commission Court: And at that time the Popular Rights, in almost all the Species of them, were invaded. My Lords, That great Privilege of the People, on which all others depend, that of giving their Consent to the making new, or repealing old Laws, was invaded; and a dispensing Power, such as rendered all our Laws precarious, and at the Will of the Prince, was exercised. These, and a great many other Acts of absolute Power, are mention'd in that Act of Parliament, called *The Bill of Rights*. It would be to mispend your Lordships Time, to mention all the Instances there given: For, my Lords, the whole Tenor of the Administration then in being, was agreed by all to be a total Departure from the Constitution, the Nation was at that time united in that Opinion, all but the Criminal part of it. And as the Nation joined in the Judgment of their Disease, so they did in the Remedy. They saw there was no Remedy left but the last; and when that Remedy took Place, the whole Frame of the Government was restored entire and unhurt. This shewed the excellent Temper the Nation was in at that Time, that after such Provocations from an Abuse of the Regal Power, and such a Convulsion, no one Part of the Constitution was altered, or suffered the least Damage, but on the contrary the whole received new Life and Vigour.

My Lords, As that Doctrine of unlimited Non Resistance was implicitly renounced by the whole Nation in the Revolution, so divers Acts of Parliament afterwards pass'd expressing that Renunciation. I beg leave to read a few Passages out of the Laws that were then made: In the first of King *William* and Queen *Mary*, was the Act for *abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths*. By that Act the Declaration enjoyned to be taken by several Acts in the Time of King *Charles* the Second to this Purpose, *That it is not lawful, on any Pretence whatsoever, to take up Arms against the King*, was taken away. Then in the second Session of that Parliament was the Act for *declaring the Rights and Liberties of the Subject*: In that Act Notice is taken, that *the late King James did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the Kingdom*, and the particular Instances of Male-Administration are set forth; then it declares, that *that Unhappy Prince had Abdicated the Government, and the Throne was thereby vacant*; and that *it had pleased Almighty God to make the Prince of Orange the glorious Instrument of delivering the Kingdom from Popery and Arbitrary Power*. And if the Instrument, who brought about that Deliverance, be stiled Glorious, surely the Means used by him are in Consequence approved and applauded; and his late Majesty is mentioned as the same glorious Instrument in the Act for *paying the States-General the Charges of his Expedition*: And surely this is an Approbation of the Means used by him,

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when that Act charges the People with six hundred Thousand Pounds for those Means, *viz.* the Force he brought along with him. But if it should be thought these Words are too general, and do not particularly approve the Resistance at the Revolution, there came a Memorable Occasion when the Parliament had that Particular under their Consideration ; and that was when they were considering whether they should meddle with so tender a thing as the taking away the Benefit of the Law from a great many of the Subjects of the Kingdom, which was done by an Act in the same second Session of that Parliament, Entitled, *An Act for preventing vexatious Suits against such as acted in order to the bringing in their Majesties, or for their Service.* There they take notice, that at the time of his Majesty's glorious Enterprize for delivering this Kingdom from Popery and Arbitrary Power, and in Aid and Pursuance of the same, divers Lords, Gentlemen, and other good People well affected to their Country, did act as Lieutenants, Deputy-Lieutenants, Justices of the Peace, or other Officers, Civil or Military, tho' not sufficiently Authorized thereunto, and did apprehend and put in Custody several criminous and suspected Persons, and did seize and use divers Horses, Arms, and other Things, and did enter into the Houses and Possessions of several Persons, and did Quarter and cause to be Quartered Soldiers and others there, which Proceedings in Times of Peace and common Safety would not have been warrantable ; yet that Act declares they were necessary in regard of the Exigence of publick Affairs, and ought to be justified, and provides an Indemnity for those who acted in that Resistance from the Actions that might be brought by their Fellow Subjects.

My Lords, I shall conclude this Head with taking notice of the Form of Prayer, appointed by Royal Authority, for the Fifth of *November*, now doubly memorable ; There is in that Form not only Thanks offered to Almighty God for the Revolution, but for the Success given to those Means that were used to bring about that wonderful Deliverance ; what else is the Meaning of thanking God for giving his late Majesty a safe Arrival here, and making all Opposition fall before him 'till he become our King and Governor ?

cc But, my Lords, notwithstanding the Justice of those Steps that were taken to bring about the Revolution, notwithstanding the Temper and Prudence that was shewn in the Settlement of it, and the Sanction since given to it, not only by the Royal but the whole Legislative Authority, Doctor *Sacheverell* hath condemned the Resistance, (which was the Principal if not the Only Means) by which that Deliverance was wrought, which was the last Thing I proposed to shew to your Lordships.

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My Lords, This Article is divided into three Branches; first, the general Charge, that he Suggests and Maintains, that the Necessary Means used to bring about the Revolution were Odious and Unjustifiable: The second and third Branches are Particulars of that General, (*viz.*) that his late Majesty disclaimed the least Imputation of Resistance, and that to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the said Revolution.

To maintain this Article, I will not repeat the particular Words of the Sermon, in order to the Application of them, that is a Province which is assigned to another Gentleman, who will speak after me, but I shall offer to your Lordships what I apprehend to be the clear Sense and Meaning of those Passages in the Sermon which maintain this Article. In the eleventh Page of the Quarto Edition, he lays down a general Position of the utter Illegality of Resistance upon any Pretence whatsoever; he says there are some who deny this Position, who are new Preachers and new Politicians, who teach divers Antimonarchical and pernicious Doctrines; he goes on, and says, they do not only deny his Position, but urge the Revolution in defence of their Denial, that is, by producing that as an Instance of a justifiable Resistance; then he exclaims against these Men as endeavouring to cast Black and Odious Colours on the late King and the Revolution, whereas he says the King disclaimed the least Imputation of Resistance by his Declaration, and the Parliament disowned it, because they declare they only fill'd a vacant Throne, without taking notice how it became so, and they burnt a Book which alledged Conquest, because it had that Ingredient of Resistance in it.

This Extract out of the Sermon makes out the first Article, which is, his condemning the Resistance, which the Commons call the Necessary Means used to bring about the Revolution. For first, that general Position of his condemns Resistance in any case whatsoever. Secondly, he introduces some as denying this Position, and fastens a vile and odious Character upon them. Thirdly, he makes those that deny this Doctrine object to it an Authority or President of a lawful Resistance, *viz.* that at the Revolution; but, my Lords, this he does only to give up the Lawfulness of that Resistance, and condemn that as well as any other: For, fourthly, he answers this Objection, by denying there was any Resistance in that Case, a Fact as clear as the Sun at Noon-day, and which all the Nation saw and rejoiced at. He brings the late King and the Parliament to witness, against any Resistance in the Revolution; and yet he has shewn, by two Quotations out of the Prince of *Orange's* Declaration, one in his Answer, and the other in the Printed Sermon, that his late Majesty was so far from disclaiming Resistance, that he avowed it, and invited the Subjects of this Kingdom to join in that Resistance; for in his Answer, he Cites that Passage in his Declaration,

Declaration, wherein his Majesty takes notice that he carried a Force with him, sufficient, by the Blessing of God, to defend him from the Violence of Evil Counsellors, and that he designed that Expedition to oblige King *James* to call a free Parliament; and by his Quotation of another Passage in the Prince of *Orange's* Declaration, it appears his late Majesty was, by divers Subjects of King *James's*, Invited to and Assisted in that Expedition, which being an Expedition by Force, to oblige that King to call a free Parliament, doth it not carry in it a plain and manifest avowing of Resistance?

My Lords, as to what he says in relation to the Parliament's disowning any Resistance at the Revolution, by asserting, that they set the Crown on the King's Head on no other Title than that of the Vacancy of the Throne, that appears to be directly otherwise from the several Passages in divers Acts of Parliament which I have before mentioned; to which I only add, that in the Conference between the two Houses, previous to the settling the Crown on the King's Head, the Word *Abdicated* was insisted upon and carried, for that included in it the Male-Administration of King *James*, which the Word *Deserted* (desired to be used instead of it) did not; and this appears by the Journal. He therefore knowing that there was Resistance at the Revolution, and that the late King and the Parliament avowed that Resistance, and he pretending to defend it only by denying those Facts, hath by a necessary Implication asserted, That that Resistance was not an Exception to his general Rule, but stands condemned by it.

My Lords, I shall not enter upon the Consideration of the Doctor's Answer to this Article, because I don't know whether his Council will think fit to abide by it, nor would I meddle with any thing that is proper for the Reply.

cc The Sum of the whole Proof is this, The Doctor lays down a Doctrine condemning Resistance in all Cases whatsoever; he makes those who deny this Doctrine, Asserters of Antimonarchical Principles; he takes Notice of the Revolution, only to give it up; he admits, that if there were Resistance in that case, that it was as unlawful as any other Resistance; he asserts that to be true, which every one knows to be false; he says the late King disclaimed the least Imputation of Resistance, the Parliament disown'd it, and they who say there was any Resistance in it, cast Black and Odious Colours on the late King and the Revolution, and consequently he condemns the Resistance used to bring about the Revolution, which is the Matter of the first Article.

This, my Lords, is what the Commons rely upon, to maintain and make out the first Article of their Charge against the Criminal at the Bar, and they refer the Consideration of it to your Lordships Wisdom and Justice.

Mr. Sol^s

Mr. Solicitor General. MY Lords, It falls to my share to state to your Lordships the several Passages in the Sermon preach'd at St. Paul's, which the Commons rely upon as a ^{found} Proof of the first Article; and to shew the particular Weakness and Insufficiency of the Answer given to this Charge.

The Charge is, That the Gentleman at the Bar doth Suggest and Maintain, That the necessary Means us'd to bring about the late happy Revolution were Odious and Unjustifiable; That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance; and, That to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the said Revolution.

The Passages upon which the first Article is founded, are in the eleventh and twelfth Pages of this Sermon, where Doctor *Sacheverell* having first asserted, " That the grand Security of
" our Government, and the very Pillar upon which it stands,
" is founded upon the steady Belief of the Subjects Obligation
" to an absolute and unconditional Obedience to the Supreme
" Power in all things Lawful, and the uttery Illegality of Resistance upon any Pretence whatsoever, *which*, He says has been
" lately exploded and ridiculed, *goes in these Words*:

" Our Adversaries think they effectually stop our Mouths,
" and have us sure and unanswerable on this Point, when they
" urge the Revolution of this Day in their Defence; but certainly
" ly they are the greatest Enemies of that, and his late Majesty,
" and the most ungrateful for the Deliverance, who endeavour
" to cast such Black and Odious Colours upon both: How often
" must they be told, that the King himself solemnly disclaim'd the least Imputation of Resistance, in his Declaration;
" and that the Parliament declar'd, that they set the Crown on
" his Head upon no other Title but that of the Vacancy of the
" Throne; and did they not unanimously condemn to the
" Flames that infamous Libel that would have pleaded the
" Title of Conquest, by which Resistance was suppos'd?

These Words the Commons apprehend to be a full Proof of the Assertions charg'd in the first Article, for Resistance was the necessary Means used to bring about the Revolution.

And the Doctor expressly affirms in this place, that the King disclaim'd the least Imputation of Resistance; he asserts it as a thing notorious, which no Body could be a Stranger to; he says, the King disclaim'd it solemnly, he disclaim'd it his Declaration.

And he as plainly affirms, That to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution; for he first lays down the utter Illegality of Resistance upon any Pretence whatsoever, as a Fundamental Doctrine; and then acquaints his Auditory, that his Adver-

Adversaries thought they could effectually stop his Mouth, and had him sure and unanswerable *On this Point*, when they urg'd the Revolution in their Defence; but that they were the greatest Enemies to the King and to the Revolution, who endeavour'd to cast such *Black and Odious Colours upon Both*.

Now *this Point* which he says his Adversaries thought they had him sure and unanswerable upon, is plainly the Point of Resistance, which he had asserted to be Illegal upon any Pretence whatsoever; and others, he says, had denied, and had urg'd the Revolution in their Defence.

And the urging of the Revolution in that case, as an Instance of the Legality of Resistance, in opposition to his general Doctrine, is what he calls casting Black and Odious Colours upon the King and the Revolution, for his Argument runs thus; All Resistance is utterly Illegal, the King disclaim'd the least Imputation of Resistance, the Parliament set the Crown upon his Head upon no other Title than that of the Vacancy of the Throne, and burnt a Book because it asserted a Title by which Resistance was supposed; and therefore to impute Resistance to the Revolution, is to cast *Black and Odious Colours* upon his late Majesty and the Revolution.

This, my Lords, is the Force of his Reasoning, and the plain and obvious Sense of this Part of the Paragraph, and therefore fully makes out the Charge of his asserting and maintaining, That to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the said Revolution.

I come now to consider the Answer he makes to this Article, which he divides into Three Parts.

“ And first he denies that he doth Suggest and Maintain, That
 “ the necessary Means used to bring about the happy Revolution
 “ tions were Odious and Unjustifiable; and says, That he doth
 “ not affirm in any Part of that Sermon any Thing concerning
 “ the necessary Means us'd to bring about the happy Revolution;
 “ tion; the said *Henry Sacheverell* is so far from reflecting on
 “ his late Majesty, or the happy Revolution, that he endeavours
 “ in that Sermon to clear the Revolution and his late Majesty,
 “ from the Black and Odious Colours which their greatest Enemies
 “ had cast upon both.

Now the material Part of the Answer to this Branch of the Article is, “ That he denies his maintaining that the necessary
 “ Means us'd to bring about the Revolution were Odious and
 “ Unjustifiable, and his affirming any thing concerning those
 “ necessary Means. But this is no more than saying that he
 has affirmed nothing by the Words *Necessary Means*: And 'tis very true that the Words *Necessary Means* are not used in any Part of the Sermon.

But no Body will say that 'tis requisite to charge the Assertion in the very Words.

And

And therefore if Resistance was necessary, and the Means used, in that extraordinary Case of the Revolution, he has asserted the Means to be Odious and Unjustifiable, tho' he has done it in other Terms, and by Words more particular and express.

“ And as that Part of the Article whereby he is charged with
“ Suggesting and Maintaining, That his late Majesty in his Declaration disclaimed the least Imputation of Resistance:

“ He acknowledges himself to have made this Suggestion;
“ but says, That he made it not in Dishonour, but in Vindication of his Majesty; the Resistance he represents the King to
“ have Disclaimed, being such a Resistance as tended to the
“ Conquest of this Realm; for which he refers to that Part of
“ the Declaration which is printed at the Bottom of the Eleventh
“ Page in the Sermon; and upon this Ground he observes,
“ That there are these other Passages in the Declaration —
“ We have thought fit to go over to *England*, and to carry
“ over with us a Force sufficient, by the Blessing of God, to defend
“ our selves from the Violence of evil Counsellors. — We
“ think fit to declare, That this our Expedition is intended for no other
“ Design than to have a free and lawful Parliament assembled.

Now in this Part of his Answer, Doctor Sacheverell admits, that he made the Suggestion charged upon him, in the same Words that are used in the Article; but defends himself by alleging, That the Commons have mistaken his Meaning — He meant only, that the King Disclaim'd a Resistance which tended to Conquest. ”

But 'tis clear and plain, that the Words have no such limited or restrain'd Sense, and that the Meaning he would now put upon them is a meer Shift and Evasion; for the Proposition is General, The King Disclaim'd the least Imputation of Resistance; And the Use he makes of it shews, that his Meaning was as General as his Words; for he is Replying upon those who urge the Revolution in Answer to his general Position, That Resistance is utterly illegal upon any Pretence whatsoever; and how does he answer the Case of the Revolution, or is it possible to be answer'd, but by saying, That there was no Resistance at all in the Revolution; the King, who was principally concerned in it, disclaim'd the least Imputation of Resistance?

The Question is stated upon Resistance in general; Whether Resistance in any Case, or upon any Occasion, be lawful. ”

And therefore, if the Lawfulness of Resistance in any Case be allow'd, 'tis impossible that his general Assertion should stand, and 'tis equally impossible to get clear of the Objection, without denying the Resistance.

Doctor Sacheverell was aware of this, and therefore denies that there was any Resistance at all in the Revolution, and says, That the least Imputation of it was solemnly disclaim'd and disavow'd.

For had he said, in express Terms, that the King disclaim'd all Imputation of Resistance that tended to Conquest, this would have been no Answer to the Objection: For if there was any Resistance, though not the particular Resistance which the King disclaim'd; and if that Resistance which was us'd be agreed to be lawful, his fundamental Doctrine must certainly be shaken: And therefore if your Lordships suppose him to make any use at all of this Assertion, his Words plainly spoke his Meaning, and represent the King to have disclaim'd all Resistance whatsoever.

But he excuses the making of this Suggestion, by declaring, " That he made it not in Dishonour, but in Vindication of his Majesty; and therefore whether he was mistaken or not in expressing himself, as if the late King had disclaim'd all Imputation of Resistance, when he meant thereby, that the late King disclaim'd the Imputation of a Design of Conquest, he humbly conceives such a Suggestion, plainly design'd for the Honour of the late King, cannot in any reasonable Construction be thought a Reflection upon his said late Majesty, or deem'd any High Crime or Misdemeanor.

My Lords, had these Words been spoken in Vindication of his late Majesty, our great and glorious Deliverer, the Commons, who have so much at Heart the Honour of the late King, and the Justice of the Revolution, had never charg'd them upon this Gentleman as a Crime.

But they carry with them the highest Reflection upon the Honour and Justice of his Majesty; for they suppose that he denied the Lawfulness of Resistance when he was actually engaged in it, and disclaim'd the least Imputation of Resistance when he brought over an Army on purpose to maintain that Resistance, to which all the People of *England* were invited and encourag'd by his Declaration.

And this Assertion, of the King's disclaiming all Resistance, could never be meant in Vindication of his Majesty from any Imputation of a Design of Conquest; for there was no Occasion for vindicating the King upon this Point, the Subject-Matter of the Discourse did not lead him to it; for the Business of the Sermon, or of this particular Paragraph, is not to vindicate the Honour of the King from any such Aspersions, or to maintain the Liberties of *England*, by asserting, that the Constitution of Government still remains, and was not broken and dissolved by Conquest at the Revolution: Had that been his Ground, his Mistake had been more excusable; for then it had been proper to have urg'd, that there was no Step taken towards the Revolution, which look'd like a Design of Conquest; and that the armed Force which was us'd in it, and had the Appearance of such a Design, was not intended to conquer; for the King, who commanded it, disclaim'd all Imputation of Resistance that tended

tended to Conquest. Upon such a Question these Things had been very properly urg'd, and there might have been some Indulgence to a general Expression, that in any Propriety of Speech could have received such a Meaning.

But when the Question is not, Whether the Revolution was brought about by Conquest, or what would be the Consequence of such an Assertion, either in regard to the Honour of the King, or the Condition of the People, there can be no Colour for saying that he meant by this general Expression, which carries no such Meaning in it self, that the King disclaim'd Conquest, or a Resistance which tended to Conquest only.

Especially, my Lords, when the Subject Matter of his Discourse naturally led him to assert this Proposition in the common and ordinary Sense which the Words import: For he is asserting the Doctrine of absolute Non-Resistance, and shewing, that the Lawfulness of the Revolution was no Argument against it; and why? Because the King disclaim'd the least Imputation of Resistance, there was no such wicked Ingredient as Resistance in it; no other Answer would have serv'd him, and therefore it can never be supposed that he meant to clear the King from any Design of Conquest, or intended to say any Thing in Vindication of his Majesty upon that Head.

And in Truth, it is an apparent Scandal upon the Memory of the late King, to say there was any Occasion to clear him from this Imputation; his Actions spoke the Justice and Sincerity of his Intentions; his Business was not to conquer and enslave us, but to deliver us from Popery and Slavery, the most dreadful Calamities that could befall us, and to resettle and establish our Constitution both in Church and State. This was the Ground of the Glorious Enterprize he undertook, and the general Aim and Design of all his Labours through the whole Course of his Reign.

'Tis therefore plain, that what Doctor *Sacheverell* says in his Answer, in Excuse of his Assertion, relating to the King's disclaiming all Imputation of Resistance, was rather made to the Dishonour, than in Vindication of his Majesty; for there was no Colour to suggest that he needed any such Vindication or Defence.

And that the King did not disclaim all Imputation of Resistance is evident, even from that Part of his Declaration which is cited in the Answer, whereby "He declares to the People
 " (to encourage them to join with him) that he had brought
 " over a sufficient Force to defend himself from the Violence
 " of evil Counsellors — And that his Expedition was design'd
 " to have a free and lawful Parliament assembled, which was a
 " plain Force upon the Executive Power that was directed by
 " those evil Counsellors, who by subverting the Liberties of Cor-
 " porations, and practising upon the Freedom of Elections, ne-

“ ver intended that any such free or lawful Parliament should
 “ be assembled

This is plain Resistance in the Sense that Doctor *Sacheverell* takes the Word, and is so far from a Justification, that there is no Colour to say, that his Majesty disclaim'd the least Imputation of Resistance.

As to the last Branch of the Article, whereby he is charged, that he suggests and maintains, “ That to impute Resistance to
 “ the Revolution, is to cast black and odious Colours upon
 “ his late Majesty, and the said Revolution, he denies that he
 “ suggests or maintains any such Position

But this Negative is fully answer'd by what has been offer'd to your Lordships upon the first Head of this Article, his asserting that the necessary Means used to bring about the Revolution, were odious and unjustifiable; for if Resistance be utterly illegal, upon any Pretence whatsoever, and there was Resistance in the Revolution, it necessarily follows, that to impute Resistance to the Revolution, is to cast black and odious Colours upon it: And this is expressly asserted by his stating the Case of the Revolution, in which there was Resistance, as an Objection to his general Doctrine of Non-Resistance, upon any Pretence whatsoever; and then answering this Objection, by saying, That the urging of the Revolution, as an Instance of the Legality of Resistance, was casting Black and Odious Colours upon his late Majesty and the late Revolution: For there could be no Black or Odious Colours cast but from the shaking that Fundamental Doctrine of Absolute Non Resistance, the Belief of which he asserts to be the Pillar upon which the Government of *England* stands.

“ And therefore the imputing of Resistance to the Revolution, must, according to the Principle he lays down, cast Black and Odious Colours upon the Revolution, and upon the great and glorious Instrument of it, his late Majesty, by whom it was happily brought about.

And Doctor *Sacheverell* himself, by the subsequent Part of his Answer, seems to think that this Assertion is fairly and plainly inferr'd from the Tenor of his Discourse.

For he is pleased to excuse it, by saying, “ That he intended
 “ to apply it not to such Persons who impute Resistance to the
 “ Revolution, of whom he affirms nothing; but to those new
 “ Preachers, and new Politicians, who teach, in Contradiction
 “ both to the Gospel and the Laws, That the People have the
 “ Power invested in them, the Fountain and Original of it, to
 “ cancel their Allegiance at their Pleasure, and call their Sovereign to account for High Treason against his Subjects; and who
 “ urge the Revolution in Defence of such Principles; and that, unless those who impute Resistance to the Revolution, be the
 “ same with those new Preachers, and new Politicians, he affirms
 “ nothing concerning them.

But,

But, my Lords, this Part of his Answer is far from excusing or extenuating his Crime; for if a Proposition be true, it will lose nothing of its Weight and Force, though the vilest Man upon Earth should make use of it; and it can be no Argument against a true Principle, that it has been made use of to ill Purposes, and to maintain Positions which are not warranted by it: 'Tis rather an Aggravation of his Crime, and a high Reflection upon the Commons, and the Justice of this Proceeding, to suppose that any such wicked Consequence as he mentions, can possibly be inferr'd from defending the Resistance at the Revolution: And the Question is, Whether Doctor *Sacheverell* himself asserts, That to impute Resistance to the Revolution, be to cast Black and Odious Colours upon it, and not, OF WHOM he affirms the casting such Black and Odious Colours. 77

I go on to the last Part of his Answer to this Article, where he says, " That upon the strictest Search into his said Sermon preach'd at *St. Paul's*, he doth not find that he hath given the least colourable Pretence for the Accusation exhibited against him in this first Article, but barely by his asserting the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever; for which he conceives he has the Authority of the Church of *England*, which has taught and inculcated this Doctrine in her Homilies. — And he doth further insist, That this Assertion is agreeable to, and warranted by the Common Law of *England*, and divers Acts of Parliament now remaining in full Force.

Now it must be agreed, That there is no colourable Pretence to charge him with Suggesting and Maintaining, that the Resistance us'd at the Revolution was Odious and Unjustifiable, if the Doctrine of the utter Illegality of Resistance upon any Pretence whatsoever be true; for upon this Principle his Censure is just, and it must necessarily follow, that the Resistance us'd in bringing about the Revolution is not to be maintained.

And therefore the Commons should think themselves ungrateful for the Deliverance, if they did not vindicate the Honour of the late King, and of those illustrious Persons, who, upon his Invitation, defended the Constitution at that time by Resistance, and declare that this Resistance was Lawful, Honourable and Just.

They had Reason to hope, that after so many Years had pass'd in a happy Enjoyment of all the Advantages of a Free-born People, and at a Time when the Subjects of this Kingdom are in the full Possession of their Rights and Liberties under Her Majesty's Gracious Protection, and the wisest and happiest Administration that *England* ever saw, that no Body could have been so wicked as to cast an Odium upon the necessary Means whereby these Blessings were obtain'd, and are continued to us. But since, notwithstanding our blessed Deliverance from Popery and Arbitrary Power, and the Benefits we enjoy by restoring the

Constitution both in Church and State, and above all, by Her Majesty's Happy Administration, which has improv'd the Lustre of the Crown to the Honour of the Nation, and the common Benefit of every particular Subject, yet there are Men of restless and turbulent Spirits, Enemies to the Revolution, who are continually urging the Resistance then used as a Fundamental Error, fatal to every thing that has been built upon it; this, my Lords, strikes so directly at the present Establishment, that the Commons think it their indispensable Duty to demand your Lordships Judgment upon this important Subject.

And they think it the more necessary at this time, because 'tis plain and obvious to every ones Observation, that since the late Attempt made by the Pretender, this Principle of the utter Illegality of Resistance upon any Pretence whatsoever has been espous'd and maintain'd with more than ordinary Warmth and Zeal; and the Commons apprehend that it can have no other Aim or Tendency than to blacken the Revolution, and thereby to shake the Foundations of our present happy Settlement.

“ Your Lordships will therefore, in your great Wisdom, consider the Consequences of this Assertion, in regard to Her Majesty, the Protestant Succession, and the future Happiness of this Kingdom.

“ The Commons must always resent, with the utmost Detestation and Abhorrence, every Position that may shake the Authority of that Act of Parliament, whereby the Crown is settled upon Her Majesty, and whereby the Lords Spiritual and Temporal, and Commons, do, in the Name of all the People of *England*, most Humbly and Faithfully submit themselves, their Heirs and Posterities, to Her Majesty, which this general Principle of Absolute Non-Resistance must certainly shake.

“ For if the Resistance at the Revolution was illegal, and the Revolution settled in Usurpation, this Act can have no greater Force and Authority than an Act pass'd under a Usurper.

And the Commons take leave to observe, that the Authority of this Parliamentary Settlement is a Matter of the greatest Consequence to maintain, in a Case where the Hereditary Right to the Crown is contested; for Her Majesty's most bitter and implacable Enemies, the Friends of the Pretender, (who all assert the utter Illegality of the Resistance us'd at the Revolution) can advance his Title to the Crown, and call him King, upon no other Ground than the Pretence of an Hereditary Right.

The Commons therefore, out of the most profound Duty and Allegiance which they owe and shall ever pay to Her Majesty, and to maintain the Security of Her Government, and guard Her Throne against every Insinuation that may promote or favour the Interest of the Pretender, think themselves obliged to take Notice of this Assertion, as tending to weaken the Authority of this Act of Parliament, whereby Her Majesty's Title is declared.

Your

Your Lordships will likewise consider of what Consequence the Dishonouring of the Revolution may be to Posterity, and the future Happiness of this Kingdom in a Protestant Succession to the Crown. For by the same Act, all Persons who shall hold Communion with the See of *Rome*, or shall marry Papists, are declared incapable to Inherit, Possess or Enjoy the Crown. And 'tis Enacted, That the Crown and Government shall from time to time descend to, and be enjoyed by, such Persons being Protestants, that should have Inherited and Enjoyed the same, in case such Popish Prince were naturally Dead.

And the immediate Protestant Succession in the Illustrious House of *Hanover*, in Default of Issue of Her Majesty, is likewise settled by an Act of the same Reign.

This shews of what Importance it is, to the present and future Happiness of this Kingdom, to clear his late Majesty and the Revolution from those Black and Odious Colours which this Gentleman has cast upon Both.

But, my Lords, he makes it Part of his Defence, that his Assertion is agreeable to the Common Law of *England*, and divers Acts of Parliament now remaining in Force.

The Gentleman that spoke before me has shewn how far that Assertion is a direct Contradiction to several Acts of Parliament, and therefore I shall only say, that it can never be suppos'd that the Laws were made to set up a Despotick Power to destroy themselves, and to warrant the Subversion of a Constitution of Government, which they were design'd to Establish and Defend.

This would be a strange, absurd and contradictory Imagination, and was thought so at the Revolution by the wisest Men of that Time, by the best Friends to the Monarchy, and Men the most Eminent for their Sufferings in the Cause of the Church.

And it appears, by the several Instances mentioned in the Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown, that at the Time of the Revolution there was a total Subversion of the Constitution of Government both in Church and State, which is a Case that the Laws of *England* could never suppose, provide for, or have in view.

And the same Answer may with equal Reason be applied to the general Doctrine of the Church express'd in her Homilies.

This, my Lords, is what I have to offer to your Lordships in Maintenance of the first Article; I am sensible how defective I have been, but what I have failed in, will be abundantly supplied by the Gentlemen who are appointed to assist in maintaining this Article.

Sir John Holland. **M**Y Lords, The present Consideration is of the greatest Importance ; no less, than whether so many of your Lordships and the Commons of Great Britain, who took up Arms at the Revolution, and were then thought Patriots of your Country, were really Rebels ; whether our late Deliverer was an Usurper ; and whether the Protestant Succession is Legal and Valid.

All these Considerations depend upon the Lawfulness of the Resistance at the Revolution. That there was a Resistance is most plain, if taking up Arms in *Yorkshire, Nottinghamshire, Cheshire*, and almost all the Counties of *England* ; if the Desertion of a Prince's own Troops to an Invading Prince, and turning their Arms against their Sovereign, be Resistance. But if Subjects be obliged to *an Absolute and Unconditional Obedience*, the Convention of the States, the Settlement and Entail of the Crown by them, and the further Settlement in the Protestant Succession under that Settlement, must, from that Resistance, be unlawful and void.

The Criminal was aware of this just Objection to his general Doctrine, when apply'd to the Revolution ; as appears from his Endeavouring, upon second Thoughts, to conceal it by his Marginal Note, to hint, that by *Resistance* he meant *Conquest*. And no wonder he endeavour'd to colour so bold a Stroke, which he could not but expect to hear of, with the utmost Resentment from the Government.

But it so falls out, my Lords, that what he trusted to for a Screen, aggravates the Heinousness of his Crime ; for it shows, that he insinuates into his Auditors those Notions from the Pulpit which he dares not own in Print. Nothing can be more manifest, than that he could not by *Resistance* mean *Conquest*, even from his own Expressions : For in the very next Period he says, and *did they not*, i. e. the Parliament, *unanimously condemn to the Flames (as it justly deserved) that infamous Libel, that would have pleaded the Title of Conquest, by which Resistance was supposed?* So that he knew 'em to be distinct Notions, and indeed so they must be, because one may be without the other.

It is an unaccountable Presumption, that he could suppose so weak a Pretence could pass upon the World ; but much more surprizing it is, that he could apprehend so mean a Subterfuge could prevent your Lordships Justice. But from hence the Commons observe, that he is a Concealed Man, and of a Dangerous Spirit : And as such we have brought him hither to Reform him, and to be an Example to others.

My Lords, The Commons would not be understood, as if they were pleading for a Licentious Resistance ; as if Subjects were left to their good Will and Pleasure, when they are to Obey, and when to Resist. No, my Lords, they know they are obliged by all the Ties of Social Creatures, and Christians, for
Wrath

Wrath and Conscience sake to submit to their Sovereign. The Commons do not Abet Humoursome Factionous Arms, They aver 'em to be Rebellions. But yet they maintain, that that Resistance at the Revolution, which was so Necessary, was Lawful and Just from that Necessity. 27

We do agree that the Laws concerning Obedience, both Human and Divine, are very Express and Positive ; and no wonder that *the Homilies and Fathers dead and living*, follow the same way of expressing our Duty in General Terms. We readily grant this, but it does not follow that there can be no Exceptions from these General Rules in Conscience.

There is no Law more Positive and Express than that which enjoins the Observation of the Sabbath, for therein we are commanded to *do no Manner of Work*. But yet we know, that Necessity makes an Allow'd Exception to that General Law. And the Reason why that Necessity is allow'd as a just Exception to that positive Law, will guide us to know, what Laws will admit of Exceptions from Necessity, and what Not. The Reason our Divine Lawgiver assigns is, because *the Sabbath was made for Man, and not Man for the Sabbath* ; from whence plainly follows this Corollary : That where there is a Positive Law, and that Law Respects not some Principal End for which Man was made, there Necessity may make a justifiable Exception, how Express soever that Law is.

Now, my Lords, whether Government was made for Man, or Man for Government, will easily appear from this short Observation, That Man was made in a State of Perfection ; and the Rectitude of that State supposes the Absence of all those Crimes, which are the Objects of Government, and which Government is to Reform. And therefore Government could not be one End of Man's Creation, and these general Rules of Obedience may, upon a Real Necessity, admit a Lawful Exception ; and such a Necessary Exception we assert the Revolution to be.

'Tis with this View of Necessity, only Absolute Necessity of Preserving our Laws, Liberties and Religion ; 'tis with This Limitation that We desire to be understood, when Any of us speak of Resistance in general. The Necessity of the Resistance at the Revolution was at that time Obvious to every Man. Every one, who either was not, or did not find his easie Mind, prepar'd to be a Tool to Popery and Slavery, Dreaded the Instances of that Necessity. The Cancelling all the Security from Laws by a Dispensing Power ; the Erecting Commissions to Deprive Subjects of their Property, not according to Law, but Humour ; the making the whole Government Depend upon the Arbitrary Pleasure of the then Prince, cannot but be a Justification of that Necessity before God and Man.

And thus, my Lords, it was thought, at the time this Resistance was on Foot. For then, when the Time was most proper for Admonitions

monitions of this Nature, the Clergy were so far from averring the *Unlawfulness of Resistance upon any Pretence whatsoever*, that the *true distinguishing Characteristick of a Church of England Man*, then was, wishing that Resistance Good Luck, and rejoicing at its Success. And yet the Gentleman at the Bar makes this Exception, the Instance of an unjust Resistance, by an Ironical Assertion of *the late King's solemnly disclaiming the least Imputation of Resistance in his Declaration*; for Ironical it must be, when every Body must believe that he himself Knew the Contrary: A Figure of Speech very well understood, and known to be the most Biting Sarcastm.

My Lords, So much Depends upon the Revolution, that the Commons are highly Jealous of the Honour of it. It is indeed Twenty Years since the Revolution was settled, but it is within much less than twenty Years that a Pretender has Attempted to Invade our Country, to set this Revolution aside. That Person, even with his Own Good Opinion of his Right, knows, he can have no Pretence to the Crown, unless the Prisoner's political Divinity be true, which we Aver it is Not. But lest this Pretender should apprehend that His Friends are much Encreas'd, when he hears that the Revolution is publicly Branded in Sermons as *Black and Odious*; the Commons have Impeached this Preacher, that he might not be Guilty of This High Crime and Misdemeanor *without Discouragement*, and have brought him to your Lordships Bar for Justice, that he may not do it *with Impunity*.

Mr. Walpole. MY Lords, The Commons are now making good their Charge against Doctor *Henry Sacheverell* contain'd in the first Article, wherein he is accus'd for Suggesting and Maintaining, that the necessary Means us'd to bring about the happy Revolution were Odious and Unjustifiable; and that to impute Resistance to the Revolution, is to cast *Black and Odious Colours* upon his late Majesty and the Revolution.

By what has been already offer'd to your Lordships, I make no doubt but you are fully convinc'd, how injurious these Positions must be to the Peace and Quiet of the Kingdom, and how highly they deserve, and loudly call for your Lordships speedy and exemplary Justice.

The great Licentiousness of the Press, in censuring and reflecting upon all Parts of the Government, has of late given too just Cause of Offence; but when only Pamphlets and common Libels are Matters of Complaint, when none but Mercenary Scriblers, and the Hackney Pens of a discontented Party, are employ'd to vent their Malice, 'tis fit to leave them to the common course of the Law, and to the ordinary Proceedings of the Courts below. But, my Lords, when the Trumpet is sounded in *Sion*, when the Pulpit takes up the Cudgels, when the Cause

of the Enemies of our Government is call'd the Cause of God, and of the Church, when this bitter and poisonous Pill is gild-ed over with the specious Name of Loyalty, and the People are Taught for their Souls and Consciences sake to swallow these pernicious Doctrines, when instead of sound Religion, Divinity and Morality, Factionous and Seditious Discourses are become the constant Entertainments of some Congregations; The Commons cannot but think it high time to put a Stop to this growing Evil, and for the Authority of a Parliament to interpose, and exert it self, in Defence of the Revolution, the present Government, and the Protestant Succession. All which the Commons think so materially concern'd in this Question, that if the Doctrines, advanc'd by Doctor *Sacheverell*, are not Criminal in the highest degree, it will follow, that the necessary Means us'd to bring about the Revolution were Illegal, and consequently, that the present Establishment, and Protestant Succession, founded upon that Revolution, are Void and of no Effect.

The Commons cannot but apprehend that the just Resentment and Indignation they have shewn upon this Occasion, will meet with the general Applause of all that are heartily and sincerely well affected to Her Majesty, and Her Government; but for all those, whose Principles and Practices render them most justly suspected to have other Views, they are not at all surprized to find them alarm'd, and under the geatest Concern, at this Tryal.

I am very sensible, my Lords, of the Difficulty and Nicety that attends the speaking to this Point, and that whilst a Loyal Subject and Faithful Servant of the best of Queens, is speaking in Defence of the Necessary and Commendable Resistance used at the Revolution, his Arguments may be misconstrued, and misrepresented, as maintaining Antimonarchical Schemes.

But surely, my Lords, to plead for Resistance, that Resistance, I mean, which alone can be concern'd in this Debate, is to assert and maintain the very Being of our present Government and Constitution; and to Assert Non-Resistance in that boundless and unlimited Sense in which Doctor *Sacheverell* presumes to Assert it, is to Sap and Undermine the very Foundations of our Government, to remove the natural Basis and Fundamental Strength of our Constitution, and to leave it underfet with imaginary Props and Buttresses, which do, at best, but ill support a shaken Foundation: And 'tis a most surprizing Assurance in the Enemies of our Government, that whilst they are striking at the Root, and digging up the Foundations, upon which our present and future Settlement is built, that they should hope to pass upon the World as Friends to either; but so irreconcilable are the Professions and Practices of some Men, so awkwardly do they speak well of what they do not in their Hearts approve, that in Vindication of his late Majesty (for that's a Part that sometimes they think useful to act) they declare his most glorious

glorious Enterprize, to save a sinking Nation, utterly Illegal: To recommend themselves to the Queen, they condemn that Revolution, without which She never had been Queen, and we a most unhappy People: To testifie their Zeal and Affection for the Protestant Succession, they invalidate all the Laws that have been made for securing that Blessing to Posterity: And lastly, to manifest their Aversion, and for ever to blast all Hopes of the Pretender, they advance and maintain the Hereditary Right, as the only true Right, to the Crown. But what Interest these Opinions may at one time or other be produced to support, and in favour of whose Pretensions these Insinuations are easily understood to be, and in favour of what Settlement they can hardly be construed, I submit to your Lordships Consideration.

The utter Illegality of Resistance, upon any Pretence whatsoever, is the General Position laid down in the Sermon, which, if it be strictly, and in the most extensive manner true, The assuming and exercising a Power of dispensing with, and suspending the Laws, The Commitment and Prosecution of the Bishops, The Erecting a Court of Commissioners for Ecclesiastical Causes, The Levying Mony by Pretence of Prerogative, The raising and keeping a standing Army without Consent of Parliament, The Violating the Freedom of Elections of Members to serve in Parliament, and all the Grievances enumerated in the Bill of Rights, were all meer Pretences, and not sufficient to Warrant and Justifie what was then done, in Defence of the true, ancient, and indubitable Rights and Liberties of the People of this Kingdom, which are now again Enacted, Ratified and Confirm'd, and Enjoin'd to be firmly and strictly holden and observ'd: By what Evasions, or Distinctions, the Doctor will explain himself off upon this Head, I cannot easily foresee, unless he will be so ingenuous as now to confess, what there is too much Reason to believe will be his Opinion, if ever a proper Time shall serve for declaring, That the Acts of Parliament made upon, and since the Revolution, are only the Effects of a happy Usurpation, and no part of the true Law of the Land.

Resistance is no where Enacted to be Legal, but subjected, by all the Laws now in being, to the greatest Penalties; 'tis what is not, cannot, nor ought ever to be describ'd, or affirm'd, in any positive Law, to be excusable: When, and upon what never to be expected Occasions, it may be exercised, no Man can foresee; and ought never to be thought of, but when an utter Subversion of the Laws of the Realm threaten the whole Frame of a Constitution, and no Redress can otherwise be hoped for: It therefore does, and ought for ever to stand, in the Eye and Letter of the Law, as the highest Offence. But because any Man, or Party of Men, may not out of Folly or Wantonness commit Treason, or make their own Discontents, ill Principles, or disguised

disguised Affections to another Interest, a Pretence to resist the Supreme Power, will it follow from thence, that the utmost Necessity ought not to engage a Nation in its own Defence, for the Preservation of the whole? Or on the other side, Because the greatest and most inexpressible Emergencies did sufficiently justify and warrant the Resistance of the Revolution, will it be a Consequence, that therefore, upon every slight Pretext or common Occasion, the Laws that fence against Treason will be of no Effect? No, my Lords, I hope your just Judgment in this Case will convince the World, that every *Seditious, Discontented, Hot-headed, Ungifted, Unedifying Preacher* (the Doctor will pardon me for borrowing one String of Epithets from him, and for once using a little of his own Language) who had no Hopes of distinguishing himself in the World, but by a matchless Indiscretion, may not advance, with Impunity, Doctrines destructive of the Peace and Quiet of Her Majesty's Government, and the Protestant Succession, and prepare the Minds of the People for an Alteration, by giving them ill Impressions of the present Establishment and its Administration.

The Doctrine of unlimited, unconditional Passive Obedience, was first invented to support Arbitrary and Despotick Power, and was never promoted or countenanc'd by any Government that had not Designs some time or other of making use of it; What then can be the Design of Preaching this Doctrine now, unask'd, unsought for, in her Majesty's Reign, where the Law is the only Rule and Measure of the Power of the Crown, and of the Obedience of the People? If then this Doctrine can neither be an Advantage or Security to her Majesty, who neither wants, nor desires it, to what End and Purpose must every thinking Man conclude 'tis now set on Foot, but to unhinge the present Government, by setting aside all that has been done in Opposition to that Doctrine; and when, by these Means, the Way is made clear to Another's Title, the People are ready instructed to submit to whatever shall be imposed upon them.

It may be expected, after I have said thus much in general, that I shou'd proceed to shew in what Parts of the Sermon these Aspersions are contain'd: But, my Lords, that Part has been so fully and distinctly spoke to, by those Learned Gentlemen, who are more proper, and a great deal more able, to manage that Province, that I will not mispend your Lordships Time, by repeating what has been already so fully and justly made out; but so much I will venture to say, That if we remove the Rubbage, with which the Doctor has an excellent Talent at puzzling Common Sense, and bring together the several Sentences, that can only be Relative to one another, 'tis impossible for the Art of Man to make any Inferences or Constructions, so close and strong, as the plain and genuine

nuine Sense of the whole Scope of his Sermon, must at first View suggest to every Man's Understanding. And all that the Doctor alledges in his Defence, is, That in the Revolution there was no Resistance at all, and that the King did utterly disclaim any such Imputation. But surely, my Lords, it cannot be now necessary to prove Resistance in the Revolution, I should as well expect that your Lordships would desire me, for Form's sake, to prove the Sun shines at Noon-Day; If then, there was most undoubtedly Resistance us'd to bring about the Revolution, it will follow that all the Censures, which are so freely bestowed upon Resistance in general, must attend, and will be imputed to the Revolution: And if *Resistance be* cc *utterly Illegal, upon any Pretence whatsoever*; If it is a Sin, which unrepented of, by the Doctrine of the Church of *England*, carries *sure and certain Damnation*; If, upon *Repentance*, there is no *Remission of Sins* without a stedfast Purpose to amend the Evil we have done, and to make all possible *Restitution*, or at least to do our utmost Endeavours for that Purpose; I beg your Lordships to consider what a Duty is here pressed, upon the Peril of Damnation, upon every Man's Conscience, that knows, or believes, that there was Resistance in the Revolution, and is Conscious to himself, of being any ways assisting, or even consenting, to this *Damnable Sin*; and what must be the Consequence, if these Doctrines, without any Reserve or Exception, are with Impunity preach'd throughout the Kingdom. All which, my Lords, I hope is sufficient to satisfy your Lordships, that Doctor Sacheverell is guilty of the Charge exhibited against him in the first Article; and that He is an Offender of that Nature and Malignity, that this Court only could be the proper Judges of such High Crimes; and from your Lordship's Justice the Commons hope, That his Punishment will be adequate to the Heinousness of his Offence.

Sir John Hawles. MY Lords, I am commanded by the Commons of *Great Britain* to be assisting to the Gentlemen that spoke before me, for the proving the Prisoner at the Bar guilty of the Crime charged in the first Article of his Impeachment; which is, That he did Suggest and Maintain, in his Sermon preached at St. Paul's, That the Necessary Means used to bring about the happy Revolution were odious and unjustifiable; and that his late Majesty in his Declaration disclaimed the least Imputation of Resistance; and that to impute Resistance to the said Revolution is to cast black and odious Colours on his late Majesty. In making good which Article against the Doctor, I hope the Gentlemen that have spoke before me will Excuse me, if I make use of another Method than what they have done; which I shall do, not misliking the Course they have taken, nor that I think the Method I shall take is better

better than theirs; but only because I would not repeat what's
 said by them, which I am sure would come with a worse Grace
 from me, than it did from them; and because I am sure what
 was said is very well remembred by your Lordships. What
 I shall offer is, I think, somewhat to the Purpose, and was not
 mentioned by the Gentlemen before. As to the Passages taken
 out of the Sermon to prove the Doctor Guilty of the Fact of
 this First Article, they have been so fully open'd, and so very
 well apply'd, that I have very little to add to what has been
 said; I shall therefore only say, that the Clause of his Sermon,
 wherein he asserts, that "The grand Security of our Govern-
"ment, and the very Pillar upon which it stands, is founded
"upon the steady Belief of the Subjects Obligation to an ab-
"solute and unconditional Obedience to the Supream Power
"in all things Lawful, and the utter Illegality of Resistance
"upon any Pretence whatsoever, he lays down not as a Do-
ctrine he would teach his Congregation, but in order to draw
an Argument from thence for some other Purpose; and what
that is, appears plainly afterwards; for having alledg'd some
 Things not proper for the Occasion for which the Day upon
 which he preach'd was solemniz'd, he adds, "Our Adversaries
 think they effectually stop our Mouths, and have us sure and
 unanswerable on this Point, when they urge the Revolution
 of this Day in their Defence; but certainly they are the great-
 est Enemies of that, and his late Majesty, and the most un-
 grateful for their Deliverance, who endeavour to cast such
 black and odious Colours upon both. How often must they
 be told, that the late King himself solemnly disclaim'd the least
 Imputation of Resistance? By which 'tis plain, that the Posi-
 tion of the Subjects Obligation to an absolute and unconditional
 Obedience to the Supream Power laid down, was only to shock
 and lay odious Colours upon the Revolution, or the Means
 whereby it was brought about; he knowing that the Means where-
 by the Revolution was brought about was by Force, and he knew
 it was so declar'd by the Act of Parliament made in the first
 Year of King *William* and Queen *Mary*, for preventing vexa-
 tious Suits against such as acted in order to the bringing in the
 late King and Queen. And tho' he would insinuate that the same
 was not done by Force, I must own he does not assert that ei-
 ther it was or was not done by Force, but he strongly insinua-
 tes it was not done by Force, when he asserts, though untruly,
 that the late King disclaim'd any Resistance upon his coming.
 I'll say nothing more as to that Matter, and nothing as to that
 other, that has been largely open'd, relating to the Subjects Ob-
 ligation to an absolute and unconditional Obedience to the Su-
 pream Power, the rather, because, if it was doubtful, the Acts
 of Parliament mention'd in the Preface to the Articles, where-
 by the Revolution has been declar'd to be a glorious Enterprize,
 and

and the Means whereby it was brought about justified, have determin'd that Matter; and because your Lordships, as I think, will not suffer the Doctor or his Council to say any thing against the Revolution, or the Means whereby it was brought about.

The Commons of *Great Britain* own your Lordships to be the Supream Court of Judicature in this Government, but yet they think that Acts of Parliament, whereof your Lordships are in part the Makers, are as binding upon your Lordships, as a Court of Judicature, as they are upon any Court of *Westminster-Hall*, where Matters determin'd by Act of Parliament are never suffer'd to be disputed afterwards; but I own, what is practis'd in *Westminster-Hall* is not a Rule whereby your Lordships ought to be govern'd, and therefore I rely only upon the Reason of what I asserted; for altho' your Lordships are the Supream Court, and from whom no Appeal lyes to any other Court of Judicature, yet your Lordships, as you are Part of the Legislature are greater than you are in your Judicial Capacity, in which you are subject to the Law; tho' in your Legislative Capacity, in Concurrence with two other Powers, you are above the Law. It is therefore incongruous, that a Court of Persons of less Power should judge otherwise than the Court of greater Power had determin'd; but this I submit to your Lordships, and am sure the Gentlemen of Council, with the Doctor, know their Duty so well in this Matter, that they will not give your Lordships the Trouble of an Admonition upon this Occasion. I won't add more upon this Subject, but proceed, with your Lordships Permission, to prove the Doctor guilty of what he is charg'd with in this first Article, by the Doctrine by himself laid down in his Sermon, and admit for Argument-sake the same to be true; though this I must assert, that he carries the Doctrine somewhat farther than the Apostles did in some respect, but in other Respects seems to restrain it more than they did. In the restraining Part he seems to confine the absolute and unconditional Obedience to Things lawful, which Restraint looks like something, but in Truth, upon Examination, is nothing; for suppose the Supreme Power commands the Subject to do something which it thinks is Lawful, but the Subject not willing to obey, pretending the Thing to be Unlawful, the true Reasons being, that they are chargeable, troublesome, hazardous, or the like; in this Case, who is to be Judge, the Supreme Power, or the Subject? In the Reason of the Thing, neither of them are proper Judges; for the Supreme Power will be byass'd, by reason of the Command given by them at first, and will be asham'd to own what they commanded was Unlawful, and therefore will give Judgement on their own Side, to justify themselves in what they have commanded; and the Subject will be as much byass'd for the same Reason that he was at first dissatisfied with the Command; and there being no higher
Power

Power or Authority to appeal to than the Supreme Power, that must needs be the Judge, from whom there can be no Appeal. But perhaps the Doctor and I differ in the Persons in whom the Supreme Power is lodg'd, for the Doctor has not mention'd that Matter, either in his Sermon, or in his Answer to the Articles; but I hope, in the Answer he is to give to what's now objected against him; he will tell us in whom that Power is lodg'd; I'll tell him in whom I think it is lodg'd, I think it is lodg'd in the Queen's Majesty, the Lords Spiritual and Temporal and Commons in Parliament assembled: And I think when the Acts mention'd in the Impeachment did pass (except the Act for declaring the Rights and Liberties of the Subject) the Supreme Power was lodg'd in the late King *William* and Queen *Mary*, and the Lords Spiritual and Temporal and Commons in Parliament assembled. But as the Doctor seems to have restrain'd his Doctrine of Non-Resistance, he has as much enlarg'd his Doctrine of Absolute Obedience; for, as I think, what hath been hitherto written or asserted upon the Occasion of that Matter, went no further than Passive Obedience and Non-Resistance; but the Prisoner's Doctrine extends to Active Obedience as well as Passive; because, as I think, the Words of the Apostles, from whom this Doctrine is taken, seem to restrain it only to Passive Obedience and Non-Resistance; and the Reasons why the Apostles inculcated no other Obedience, as I believe, was, because that was sufficient to secure the Government under which the Apostles liv'd, which was the *Roman* Government, and which stood in Fear of no Foreign Force, and which Government was said and believed could not be ruin'd but by its own Subjects, which afterwards prov'd to be true. That that their Doctrine was the Doctrine of Christianity, and truly so call'd, I'll readily agree to the Prisoner, but I do not think that Christianity introduc'd that Doctrine into the World; for I think, as the Doctor does, that it was as ancient as Government, because it was impossible that Government could subsist, unless supported by its Subjects; but how ancient that Doctrine was, can't be asserted, without knowing how Government came to be introduc'd into the World: If it was Patriarchal, as some have asserted, it was as ancient as *Adam*; if it was introduc'd by Conquest, then it's Date was no higher than *Nimrod*; if it was by Compact, then I can't say when it began; but this is certain, that it was as ancient as the *Roman* People, which was above seven Hundred Years before the Coming of our Saviour, but how long before the *Roman* Name was known I cannot take upon me to say. But tho' this Doctrine was not introduc'd by Christianity, yet I think it may well and properly be call'd the Christian Doctrine; for tho' amongst the Heathens it was a Political Law, and oblig'd, as other Laws did, for Fear of Punishment, yet Christianity first press'd this Doctrine upon the Con-

sciences of the Subject, which no other Religion did, and that was sufficient to entitle it to the Name of Christian. But the Doctor, as I said, has carry'd it farther than the Words of the Apostles did, extending it to an Active Obedience, which the Words of the Apostles do not warrant, in the Strictness of the Expressions. But yet I won't contest with the Doctor in that Matter, for if the Doctrine, as preach'd by the Apostles, was sufficient to secure the Government they lived under, as it was, and that Doctrine is not sufficient to secure the Government we now live under, as it is not; the Doctor might very well think that what he now asserts, by the Equity, as we call it (that is) the Reason of the Doctrine preach'd by the Apostles, was well warranted.

Having thus stated the Matter of the Subjects Obedience to the Supreme Power, in which I have agreed with the Doctrine set forth in the Sermon, I can't imagine how the Doctor can justify himself in declaring against the Revolution, as he has done; when he knows, as well as any, that the Revolution has been justified by the Supream Power in the Acts of Parliament mention'd: For certainly it must be granted, that the Doctrine that Commands Obedience to the Supream Power, tho' in things contrary to Nature, even to suffer Death, which is the highest Injustice that can be done a Man, rather than make an Opposition to the Supream Power, (because the Death of one or some few private Persons is a less Evil than disturbing the whole Government,) that Law must needs be understood to forbid the doing or saying any thing to disturb the Government, the rather because the obeying that Law cannot be pretended to be against Nature; and the Doctor's refusing to obey that implicit Law, is the Reason for which he is now prosecuted, tho' he would have it believ'd, that the Reason he is now prosecuted was for the Doctrine he asserted of Obedience to the Supream Power, which he might have preach'd as long as he had pleas'd, and the Commons would have taken no Offence at it, if he had stop'd there, and not have taken upon him, on that Pretence or Occasion, to have cast odious Colours upon the Revolution; if he is of the Opinion he pretends, I can't imagine how it comes to pass, that he that pays that Deference to the Supream Power, has preach'd so directly contrary to the Determinations of the Supream Power in this Government, he very well knowing that the Lawfulness of the Revolution, and of the Means whereby it was brought about, has already been determin'd by the aforesaid Acts of Parliament, and should do it in the worst manner that he could invent; for questioning the Right to the Crown here in *England*, has procur'd the shedding of more Blood, and caus'd more Slaughter, than all the other Matters tending to Disturbances in the Government put together. If therefore the Doctrine which the Apostles have laid down

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was only to continue the Peace of the World, as thinking the Death of some few particular Persons better to be born with than a Civil War; sure it is the highest Breach of that Law, to question the first Principles of this Government.

It is not forgotten how much Blood was spilt upon the Account of the Title between the Houses of *York* and *Lancaster*, in which the Learn'd in the Law did differ; and the setting on Foot that Question of the Title of the present Government, which was above twenty Years ago determin'd, and that Determination acquiesc'd in from that time 'till now, in all probability, if not suppress'd, would tend to as great Mischief as that War entail'd on the Nation. But yet the Doctor, who Preaches up the Subjects Submission to the Supream Power, even to Death it self, thinks he hath not only a Licence, but a Command from God, to enquire into the late King and Queen's Right to the Crown, and to blow a Trumpet to set his Fellow Subjects to cut one anothers Throats upon that Account. This surely is the absurdest Construction of a Text that ever was made; and yet this I'll say is the Case, if you'll compare the Prisoner's Practice with his Doctrine.

Methinks the Doctor ought to have consider'd what our Saviour and his Apostles did in their time; we don't find that any of them ever question'd the Title of the Emperors, under whose Government they liv'd, or ever said any thing relating to their Titles, or that Power they exercis'd; and yet if they had thought it lawful or expedient, they had just Occasions to have done it. St. *John* the Survivor of the Apostles, liv'd, as 'tis said, to the time of *Trajan*; so that by that Account he liv'd under thirteen Emperors, including *Augustus* and *Trajan*; and yet neither of them had so much as a Pretence of Right to the Empire, according to the Opinion we have of that Right now. The first and last of those Emperors were the very best the *Romans* had, except, perhaps, *Titus Vespasian*; and yet *Augustus* came to the Empire by the worst Means of any of them, for he waded thro' a Sea of Blood, and was guilty of a great many Acts of Treachery and Cruelty; but after the World had reap'd so many Benefits by his excellent Government, it forgot the Iniquity of the Means whereby the Empire was obtain'd; and the best Means of obtaining the Empire by the following Emperors, 'till the time of *Titus Vespasian*, were by Force, and most of them by treacherous Murders; and yet we don't find that either our Saviour or his Apostles reproach'd any of those Emperors with the Injustice of the Means whereby they became so. And methinks it would have become the Doctor to have follow'd those good Examples; but the Doctor is of another Opinion, and thinks the aforesaid Words of *Isaiab*, *To cry aloud*, &c. do well warrant that his Opinion, not considering that that Prophet had that express Command from God, for reproving the Hypocrisie

of the *Jews*, and if the Doctor had the like Command for Preaching as he has done, I think he has quoted a good Authority for so doing; but he must give us a better Proof of such Command than hitherto he hath done.

If he thinks the Command given to *Isaiab* extends to him, how came it to pass that the Apostles did not think that the same Command extended to them? Did not they live nearer the time of *Isaiab*? Were not they acquainted with the Writings of *Isaiab*, as well or better than the Doctor, and so might have known the Authority given to that Prophet better than the Doctor? but yet forbore to do as the Doctor has done; and their having forbore so to do, cannot proceed from any other Reason, than that they thought those Words did not extend to the Apostles, or that they thought it was not Lawful or Expedient for them to question the Title of those Princes, or the Justice or Means whereby they obtain'd it.

I'll only add to this Matter, that if the Doctor had been contented with the Liberty he took of Preaching up the Duty of Passive Obedience in the most extensive Manner he had thought fit, and would have stop'd there, your Lordships would not have had the Trouble in Relation to him that you now have; but it is plain, that he preach'd up his absolute and unconditional Obedience, not to continue the Peace and Tranquillity of this Nation, but to set the Subjects at Strife, and to raise a War in the Bowels of this Nation; and it is for this that he is now prosecuted, tho' he would fain have it believ'd, that the Prosecution was for Preaching the peaceable Doctrine of Absolute Obedience.

I can't but take Notice of the Scandal the Doctor charges upon the late King, as if when he landed here he had disclaim'd all manner of Imputation of Resistance, than which nothing is more untrue, even by his own Confession in his Answer, and the Words of the Declaration mention'd in the Print of the Sermon, tho' no Part of the Sermon, whereby he pretends to explain himself, by saying, He intended a Disclaimer of Resistance in order to a Conquest, than which nothing could be more absurd, for never was a Conquest made, or ever will be made, by bare Resistance, nor ever was there a weaker Thing charged upon a Prince, than to make him disclaim all Resistance at a Time when he was actually making War; for his bringing an armed Force of that Number he did into this Kingdom, with a great Train of Artillery with him, was making War by the Law of Nations, and then and now by the Law of *Great Britain*; and he hath charged the Prince of *Orange* with an Act of the highest Treachery, in pretending Peace when he actually made War.

The last Matter I shall take Notice of, are the Words in the Nineteenth Page of the Doctor's Sermon, viz. That old Leaven of their Forefathers is still working in the present Generation; that

that this Traditional Poyson still remains in this Brood of Vipers, to sting us to Death, is sufficiently visible, as to the dangerous Encroachment they now make upon our Government, and the treasonable Reflection they have publish'd upon Her Majesty, God bless her! whose Hereditary Right to the Throne they have had the Impudence to deny and cancel, to make Her a Creature of their own Power; and that by the same Principles they placed a Crown upon Her, they tell us, they (that is the Mob) may Reassume it at their Pleasure. Now I think it cannot be doubted who it is the Doctor means by the Word *Mob*, which is the People of *England*; for tho' the Word *Mob* is a Cant Word amongst a Sort of People called *Gypsies*, and with them signifies the Meanest, or the Scum or Dregs of the People; yet as the Doctor has used it in this Place, it can signifie nothing else than the Body of the People of *England*, of whom, I think, your Lordships do not think it beneath you to be thought a Part, and the chiefest Part; for he asserts, They say, that they placed a Crown upon Her Majesty, and from thence makes an Inference, that they may Reassume it at their Pleasure; which can be intended nothing else than what was done in Respect of Her Majesty by the Bill of Rights; wherein 'tis said, "That the Lords Spiritual and Temporal and Commons in Parliament assembled, did declare Her Majesty, after the Death of the late King and Queen, without Heirs of her Body, was Lawful and Rightful Queen of this Realm. Now, tho' Her Majesty hath an Hereditary Right and Title to the Crown, and so She is not so much concerned in the Declaration by the said Act, as the last King and Queen, in what that Act conferred upon them, which was done only by the People of *England*, under the Denomination of Lords Spiritual and Temporal and Commons in Parliament assembled; and if that did not confer a Title to the Crown on the late King and Queen, they, who were in their Lives-time thought to be lawful and rightful King and Queen of these Realms, by the Doctor's Reasoning, were no better than the Usurpers of another's Right; and tho' that Bill of Rights was afterwards confirm'd by an Act in the second Year of their Reign, yet that will not all mend the Matter; for if they did not obtain a Right by the Bill of Rights, to the Crown of these Realms, they were no more King and Queen of these Realms, than they were before the said Bill of Rights: But the Truth is, that when a Government is brought out of *France* by the extraordinary Steps of a Prince, 'tis a vain thing to hope that it ever can be set right by Regular Steps; this never was done, nor ever will be done; but those Methods which were necessary to set the Government in a right Frame again, have been always taken to be Legal, tho' by the Nicety of Law it could not be well justified. Upon the Change of Government from *Richard* the Second to *Henry* the Fourth, the Parliament call'd in the Time of *Richard* the Second, and

by his Authority, continued to sit in the Time of *Henry* the Fourth, and passed several Acts in the Time of *Henry* the Fourth, which was never practised before, nor warranted by any Laws that we know of, yet what was done was allow'd to be Legal. To the same Purpose was that which was done in the Time of *Henry* the Seventh; for he and those of his Friends being attainted of High-Treason, which, according to the Rules of Law at that time, prevented the Descent of the Crown on him, and his Friends being mostly Attainted, were uncapable of Sitting in Parliament, 'till those Attainders were reversed, which could not be done but by Act of Parliament, or the Court of King's Bench; and he did not care to have a Parliament 'till his Friends were capable of sitting there, nor could he make Judges 'till he was King, which Difficulty seem'd to be insuperable, but the Judges made a Resolution according to the Exigence of the Thing, and declared that *Sir William Stanley's* placing the Crown upon the Earl of *Richmond's* Head purged his Attainder, and he thereby became from thenceforwards King of *England*, and the King thereby enabled to Constitute Judges, and the Judges to Reverse the Attainder of all the King's Friends: 'Tis true, *Henry* the Seventh married the Heiress of the House of *York*, and was thereby, as we now think, King in Right of his Queen, but he never would own her Title to the Crown, nor ever suffer'd her to join with him in any Act of Government, nor ever declared by what Title he possessed the Crown; but yet none of the Acts pass'd in his Time, nor any Thing then transacted, was afterwards question'd upon the Account of his Title to the Crown: 'Tis true, there was an Act pass'd in his Time that Indemnified such as should Obey or Assist the King that was in Being, whether he had Right to the Crown or no; but if he had not been allow'd to be King before the passing of that Act, the Acts of Parliament that pass'd in his Time, would have been of no more Validity, than the Acts pass'd in the Time of *Cromwell*, or any other Usurper; whereby 'tis plain, that the Doctor now, and the Persons who had the best Knowledge of Matters of this kind, in those Days, disagree in Opinion: And I can't but take notice that the Doctor, notwithstanding his little Knowledge in the Matters he discourses of, makes the Declaration by Parliament of the Queen's Title to the Crown, to be the Cancelling of Her Title by Descent; and therefore he seems to advise Her Majesty to quit that Title She claims from Her People, and to rely upon Her Title by Inheritance: Whereas, if the Doctor had but known what our Law allows, or if he had read any thing of this Matter, he would have known that those Titles did by no means Disagree, but were Consistent with one another, and that Princes that sometimes have
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claimed by several Titles, would not make their Choice of which they relied on. *Henry* the Eighth, who was the Heir of the House of *York* and *Lancaster*, never declared on which Title he relied; *Queen Elizabeth*, after the Death of her Brother and Sister, Claimed as Heir to *Henry* the Eighth, and was likewise Devisee of the Government of *England* by the Will of her Father, who was by Act of Parliament enabled to give it by his Will to whom he pleased; but notwithstanding that, she desired to have an Act of Parliament, which she had, declaring her to be Queen of *England*, &c. which Act of Parliament was to the same Purpose as was the Bill of Rights in respect of Her Majesty's Title to the Crown. I'll trouble your Lordships with no more, to prove the Prisoner Guilty of the Crimes charged upon him by the first Article of the Impeachment; but I cannot but observe some Aggravating Circumstances of the Prisoner's Crime. As first, That the Doctrine in the Impeachment was Preached by a Divine of the Church of *England* as by Law Established; for a Divine of the Church of *England* is a Person of that Credit, that the People are ready to assent to what he says, without considering what the same is, or how made out: In the next place, 'Twas preached in the Cathedral Church of the Metropolis of this Kingdom; had it been preached in some obscure Country Town, 'twould have hardly been taken Notice of: In the third place, 'Twas preached before the Lord Mayor and Court of Aldermen of the City of *London*, and so far approved of by them, or some of them, as to be Commanded to be Printed; for which Reason what he preached hath done more Mischief than otherwise 'twould have done, there having been about forty thousand Printed to villifie the Revolution, on which depends the Security of the Protestant Religion both at Home and Abroad, and the Succession of the Crown in the Protestant Line, the Union of the two Kingdoms, the Queen's Bounty to the poor Clergy, and several other Benefits we enjoy by the Revolution, and amongst others that Her Majesty was and is so peaceably possessed of the Crown: For if the Force before the Revolution, which suppress'd Her Majesty's Hereditary Right to the Crown, had not been removed by the Revolution, as 'twas, Her Majesty's Title would never have been able to have exerted it self; and if ever the Doctor, or any of his Accomplices, should be able so to shock the Revolution, as to remove what's built upon it, I doubt that Force which the Revolution removed will return again, and Oppress the Queen's Title to the Crown, as it did before.

I can't pass by the Doctor's Answer to the Articles, without taking Notice of one Passage in the same, viz. Hard is the Lot of the Ministers of the Gospel, if when they Cite the Word of God in their general Exhortations to Piety and Virtue, the several Texts by them Cited should be said to be by them meant of particular

Persons and Things. Now I must submit to your Lordships Judgment the Unreasonableness of this Complaint, and whether the several Texts and Passages cited by him in his Sermon can bear any other Construction than what has been made, and whether it be not the Duty of the Preacher to deliver himself so in the Pulpit, that his Meaning should not be doubtful to his Congregation. The Commons of *Great Britain* don't go about to make him Assent or Swear to what the Supreme Power hath determined, though the Doctor in his Sermon has thought fit to impose Matters of that kind upon other Persons, so as to make them Swear to them; no, the Commons of *Great Britain* would only have him restrained from publishing any thing, and especially in the Pulpit, which reflects upon the Supreme Power, or what they have or shall determine, which even the nicest Conscience never yet boggled at. I can add more Aggravations of the Doctor's Crimes, but will forbear to do it, rather following the Example of the Commons of *Great Britain*, who have indeed demanded Judgment against this Person of your Lordships, but they have done it in Mercy, for they might have charged these Matters against the Doctor as High Treason, and so it has been done in Indictments against some Divines in a Reign known to your Lordships, for Matters in their Sermons less Heinous than those for which he is Impeached; yet the Commons have called the Matters of this Impeachment only High Crimes and Misdemeanors; and it is a Rule in our Law, that the Court in which a Prosecution is had, cannot call the Crimes greater than what the Prosecutor thought fit to charge them, and cannot adjudge a greater Punishment to the Crimes than usual, but in some Cases may lessen the Punishment for such Crimes; and whatsoever Censure your Lordships shall pass upon this Criminal, the Commons of *England* will acquiesce in, and be well satisfied with the same.

Lieutenant-General Stanhope. MY Lords, The Gentlemen who spoke before me to this Article, have said so much to it, that they have left little to me, who am last in it. I shall therefore particularly apply myself to make out to your Lordships, that as the Prisoner at the Bar is Guilty of the Matter charg'd in this first Article, so he has done it (as the Preamble of the Article sets forth) with a Wicked and Malicious Intention to Undermine and Subvert Her Majesty's Government, and the Protestant Succession as by Law Establish'd; to Defame Her Majesty's Administration; to Asperse the Memory of his late Majesty, and to Traduce and Condemn the late happy Revolution; as in the same Preamble to the Articles it is charged against him.

My Lords, if it be true (as your Lordships have been told by most of the Gentlemen who went before me) that Non-Resi-

Resistance asserted in general Terms does destroy the Foundation of the Revolution, the present Establishment, Her Majesty's Title to the Crown, and the Settlement of the Protestant Succession; If that be true, it is as true, that the Doctor, who has advanced that Doctrine in general Terms, is Guilty of that Charge of intending to Subvert the Government; And then your Lordships ought to proceed against him, as an Enemy to the Government.

What has been said by the Gentlemen that spoke before me concerning the Doctrine of Non-Resistance, has been said with so much Regard to Truth, to Her Majesty and Her Government, that I am perswaded nothing that has been said on that Subject can justly be misconstrued. But on the contrary, to assert in General Terms the absolute Illegality of Resistance on any Pretence whatsoever (as this Doctor and all the professed Enemies of the Government avowedly do) must be understood by all impartial and thinking People to overthrow Her Majesty's Title and Government; since at the same time that they skreen themselves under the specious Notion of professing Absolute and Passive Obedience to the Supreme Powers, they cannot conceal their true Meaning; that the true and real Object of their darling Doctrines, such as *Jus Divinum, Non-Resistance, the Undefeasible, Unalienable Hereditary Right*, that (I say) the true Object of these Doctrines is a Prince on the other side the Water. They could not otherways be consistent with themselves. For in the same Breath, in the same Discourse, to preach Passive unlimited Obedience to Magistrates, and to revile and defame the Magistrates; to Preach Non-Resistance on any Pretence whatsoever, and to encourage Sedition by inveighing in the strongest manner against the Administration; these are such Contradictions as can no otherways be reconciled, no otherways, than by concluding, what is very plain from their Conduct, that however they are pleased to colour and disguise their Discourses, their true End is only to disengage and alienate the Peoples Affections from their present Governors; to insinuate to them that the Foundation of the Revolution was wrong; that the Revolution it self was an Usurpation; that whatever has been built upon that Foundation, can have no weight; and to misrepresent those who had a Hand in it as Rebels and Traitors.

As to the Doctrine it self of absolute Non-Resistance, it should seem needless to prove by Arguments, that it is inconsistent with the Law of Reason, with the Law of Nature, and with the Practice of all Ages and Countries. Nor it is very material what the Opinions of some particular Divines, or even the Doctrine generally Preached in some particular Reigns, may have been concerning it. It is sufficient for us to know what the Practice of the Church of *England* has been, when it found it self Oppressed. And indeed one may appeal to the Practice of all Churches,

Churches, of all States, and of all Nations in the World, how they behaved themselves when they found their Civil and Religious Constitutions Invaded and Oppressed by Tyranny: I believe one may further venture to say, that there is not, at this Day, subsisting any Nation or Government in the World, whose first Original did not receive its Foundation, either from Resistance, or Compact. And as to our purpose, it is equal, if the latter be admitted. For wherever Compact is admitted, there must be admitted likewise a Right to defend the Rights accruing by such Compact. To argue the Municipal Laws of a Country in this Case, is idle. Those Laws were only made for the common Course of things; and can never be understood to have been designed to defeat the End of all Laws whatsoever: Which would be the Consequence of a Nation's tamely submitting to a Violation of all their Divine and Human Rights.

That there is a Latitude left to the Subjects in such a Case, is allowed by the most strenuous Advocates of Passive Obedience: And I shall on this Occasion quote to your Lordships, the Sermon of a Reverend Divine, who, I am sure, is not thought to be a Favourer of Antimonarchical Principles, nor to deserve any of those pretty Epithets, which the Doctor so liberally bestows on those who differ from him in Opinion. 'Tis the *Latin* Sermon of Doctor Atterbury preached to the Convocation. The Scope and Drift of that Discourse, my Lords, was to preach up Absolute Obedience, yet such is the invincible Force of Truth, and such the Nature of this Argument, that the Doctor, not to betray his own Conscience, after having well thought upon it, is obliged to express himself in the following Words, which your Lordships will give me leave to read to you out of his Sermon, which I have here in my Hand. *Quando autem, quibusque de causis Magistratum imperia detrectare Nosmetipsos in libertatem vindicare liceat, ne verbulo quidem indicant: nisi cum aliquid ab hominibus fortè imperatum fuerit, latis à Deo legibus contrarium. Id ubi acciderit, quid agendum sit, Petri vox illa declarat, Obedire oportet Deo magis quàm Homini.*

The Sense of this Passage, my Lords, if I mistake not, is this:
 “ But when, and upon what Causes it may be lawful to oppose the Power of the Prince, and assert our Liberties, the Scriptures do not say; unless in Cases when Men shall command Things contrary to the Laws of God. When that shall happen, St. Peter tells us what we must do, *We must obey God before Men.*

To apply this, my Lords, to our present Argument, I appeal to the Memory of your Lordships, whether King James did not command Things contrary to the Laws of God; whether his Commands to the Reverend Fathers of our Church were consonant to the Law of God; whether his Commands to execute a Dispensing Power; whether his Commands to all such of both Houses, as he could influence to Vote for a Dispensing Power,

Power, contrary to their own Consciences, were agreeable to the Law of God; or, in short, whether the whole Course of his Reign was not a Series of illegal Commands, calculated to destroy our Holy Religion, and to violate all our Religious and Civil Rights. Your Lordships thought so (my Lords;) the Commons thought so; and the Nation thought so; and in Consequence of this Doctrine, preach'd by St. Peter, they chose to obey God before Men.

But to return to Dr. Atterbury's Sermon, he goes on thus, my Lords: *Petenda sunt ista (si quidem peti necesse sit) à Jurisconsultis, à Thesium Politicarum tractatoribus; è legibus, è Rerumpublicarum Formis, suæ cuique Genti propriis, tanquam è fonte suo, sunt haurienda.*

In English thus:

“ But in such Cases you must advise with the Lawyers, and those learned in Politicks; and have Recourse to the Laws and Constitutions peculiar to each several Country, as to the Springs and Fountains of this Knowledge.”

My Lords, in Compliance to what is recommended by this Reverend Dean, I have endeavoured to follow his Advice, to consult with those learned in the Laws of Nations, and Politicks. I have heard that *Grotius* is of as good Authority on those Subjects as any that have wrote about them; that he has ever been reckon'd a Favourer of Monarchy, and held in great repute amongst the Divines of our Church: I shall beg leave, out of the many Passages to be found in his Excellent Treatise *de Jure Belli & Pacis*, which support this Argument, to quote only one, for the saving of your Lordships time. 'Tis in his first Book, the 4th Chapter, and 13th Section. *Si Rex partem habeat summi Imperii, partem alteram Populus, aut Senatus, Regi in partem non suam involanti vis justa opponi poterit, quia eatenus imperium non habet: quod locum habere censeo, etiamsi dictum sit, Belli potestatem penes Regem fore; id enim de bello externo intelligendum est, cum alioquin quisquis Imperii summi partem habeat, non possit non jus habere eam partem tuendi.*

The Sense of this Passage I conceive to be this. “ If the King hath one Part of the Supreme Power, and that the other Part is in the Senate, or People, when such a King shall invade that Part that doth not belong to him, it shall be lawful to oppose a just Force to him, because his Power doth not extend so far: which Position I hold to be true, even though the Power of making War should be vested only in the King; which must be understood to relate only to Foreign War: For as for Home, it is impossible for any to have a Share of the Supreme Power, and not to have likewise a Right to defend that Share.”

This Passage, my Lords, is exactly adapted to the Constitution of *England*, and the latter Part of it is perfectly agreeable to

to what I have always heard quoted as a Maxim of our Law, *That wherever there is a Right, there is a Remedy*. That your Lordships have Rights, no Body will presume to deny; that the Commons have Rights, no Body will deny; that every Subject of *Britain* has Rights, no Body will deny. Now to say that, when a Prince shall invade all these Rights at once, to say that the whole Collective Body of the Nation has no way to vindicate those Rights, is so inconsistent, so contrary to Reason, that 'tis to be wonder'd it could ever enter into the Mind of Man.

If I did not fear to tire your Lordships, I might, from many Passages out of *Fortescue**, and *M. Hooker*†, evince beyond Contradiction that the Constitution of *England* is founded upon Compact; and that the Subjects of this Kingdom have in their several publick and private Capacities, as legal a Title to what are their Rights by Law, as a Prince to the Possession of his Crown.

Your Lordships, and most that hear me, are Witnesses and must remember the Necessities of those Times which brought about the Revolution: That no other Remedy was left to preserve our Religion and Liberties; that Resistance was Necessary, and consequently Just. It was then by no good Man thought a black and odious Crime to take up Arms for the Defence of his Country. Many of your Lordships were Actors in that Resistance. The greatest Part of the Nation did either actually resist, or countenance, abett, and support those who set them the glorious Example. I hope we have all so much Gratitude to the best and greatest of Queens, as to retain for ever a grateful Memory, how great a Share Her Majesty had in promoting that Revolution. When these Facts are so fresh in our Memories, what must we say to those who give the injurious Names and Epithets of *Republicans*, of *Enemies and Traytors to Church and State*, to those who were concerned in that Resistance which brought about the Revolution? Sure it might have become them to consider *who* were concerned, and *who* had a Share in it. It is not only traducing the late King and Queen, our glorious Deliverers; it goes yet further: But I shall out of Respect forbear to mention what they not only think, but have frequently the Insolence to own.

My Lords, If it be true that this Doctrine of Non-Resistance asserted in so unlimited a Sense, as not to except the Revolution, does certainly sap the Foundation of the said Revolution, and the present Establishment which is built upon it; If it be true that to arraign as guilty of black and odious Crimes, all such as were concerned in the Resistance at the Revolution, doth

* *Fortescue de laudibus legis Angliæ*, Cap. 10, 11, 12, 13.

† *Ec. Polity*, Pag. 86, 444, 445, 470.

doth involve the greatest Part of this Nation in the Guilt of Rebellion, and Treason; If it necessarily follows, from the same Positions, that our Allegiance is not due to the present Government; I think we may as necessarily conclude, that this Sermon of the Doctor's, before your Lordships, does tend, as it set forth in the Preamble of the Impeachment, to undermine and subvert Her Majesty's Government, and the Protestant Succession, which stands on the same Foundation.

My Lords, if the Doctor had in this Sermon only preach'd up Obedience to the Supreme Power, as a Christian Duty, without meddling with Politicks, he might have been allowed perhaps to plead for Excuse, that he was ignorant of the Consequences that might be deduced from such general Propositions; that his only Aim was Charity, Peace, and Submission to the Magistrates in being. We must therefore pray your Lordships to compare one part of his Sermon with the other: And your Lordships will then, I am persuaded, be of Opinion with us, not only that the Conclusion we have drawn from his Positions, does necessarily flow from them, but that the Doctor himself must have been conscious of it, and consequently that what he has done, must have been, as we set forth in our Charge, *with a wicked and malicious Intention.*

Had the Doctor, my Lords, in the remaining part of his Sermon, preach'd up Peace, Quietness, and the like; and shewn how happy we are under her Majesty's Administration; and exhorted Obedience to it; he had never been called to answer a Charge at your Lordships Bar. But the Tenor of all his subsequent Discourse, is one continued Invektive against the Government. Passive Obedience is set down as an indispensable Duty: But 'tis evident, by the whole Sermon, that it is not due to Queen *ANNE*, or Her Administration. Now what can that be, but to usher in a *rightful Title* (I think they call it) of one on the other side the Water?

There is such an Affinity, my Lords, between this Sermon, and the Doctrines which are preached and propagated by a certain Set of Men, that I cannot but observe to your Lordships on this Occasion, how industrious they have been ever since the Revolution, to prepare a Way for another. They are the Pure and Undeiled Church of *England*! The only Men of Loyal and Steady Principles! They never took the Oaths to the Government; never bent their Knee to *Baal*! They have their own Archbishops, Bishops, and Pastors, and constitute the only true and pure Church of *England*! We are all Schismatics, that is, all the rest of *England* are Schismatics, Hereticks, and Rebels! Now pray, my Lords, what are the peculiar and distinguishing Characteristicks, the Favourite and Darling Tenets of these Men? What else but *Passive Obedience*, *Jus Divinum*, an *Hereditary, Indefeasible Right of Succession*, which no Necessity,

no Act of Parliament, no Prescription of Time, no natural or legal Incapacity, can ever invalidate or set aside? If they are in the right, my Lords, what are the Consequences? The Queen is not Queen: Your Lordships are not a House of Lords, for you are not duly summon'd by a Legal Writ: We are no House of Commons, for the same Reason: All the Taxes which have been raised for this Twenty Years have been Arbitrary and Illegal Extortions: All the Blood of so many brave Men who have died (as they thought) in the Service of their Country, has been spilt in Defence of an Usurpation; and they were only so many Rebels and Traitors.

My Lords, if these *Puritans*, (I think I may call them) these undefiled pure Church-men, would confine themselves to their own Conventicles, to get Mony from a few deluded Women; it may perhaps be consistent with the Indulgence of the mildest of Governments, to suffer them to enjoy the Benefit of that Toleration, which is allowed to Protestant Dissenters, how pernicious and destructive soever to the Publick may be their Principles. But when they shall come and vent their Treasons abroad; when they shall occasionally conform, and take the Oaths to the Government, in order the better to destroy it; when they shall abjure the pretended Prince of *Wales*, but not forget him; when they shall invade the Pulpits of the true Church of *England*; when the Pulpit of your Metropolis, instead of teaching the People to pay their Anniversary Tribute of Praise and Thanks to Almighty God for the many wonderful Successes with which he has blest those Arms which were taken up in Defence of the Revolution; When (I say) that Pulpit shall be prostituted and polluted by venting Sedition against the best of Queens; it is high Time for your Lordships to animadvert upon it, for the Honour of those glorious Princes who are dead, for the Honour of Her Majesty, who so happily rules over us, and for the Peace and Tranquility of all her Subjects.

My Lords, if I was not afraid of being thought too tedious to your Lordships, I would offer to you a few Words, concerning that Administration which the Doctor has so maliciously defam'd; for as fond as this Gentleman, and those like him, are, of meddling with Politicks in the Pulpit, and, as himself expresses it, *of setting the People right in their Principles*; I do not find they ever teach what the Ends of Government truly are.

My Lords, *Tully*, who takes it from *Aristotle*, states the Ultimate End of Government, and the Mark which Rulers ought to aim at, to be *Optimum cum Dignitate*, or Peace with Reputation. Towards attaining this End, he enumerates the several Particulars which it requires the greatest Application and Vigilance of good Governors to promote and maintain. And the chief Branches, as he states them, are,
Religion;

Religion; the just and legal Powers and Rights of the Legislative, and of the Magistrates subordinate to that; a due Administration of Justice; the publick Treasure and Credit; Military Virtue; and concludes with *Laus Publica*; which indeed is the Result of a good Administration of the several Branches mentioned. For Praise both at Home and Abroad will never fail to attend good Management.

Now, my Lords, if any Man will but reflect on every one of these Particulars, and instance when in any Age there has been in this Island, a more universally glorious Administration, I will allow what the Doctor says to be true.

To begin with Religion, my Lords, let any one look upon that Reverend Bench, and say when it was ever filled with greater Examples of Piety, Learning, and Christian Charity. That truly Christian Moderation, and extensive Zeal and Charity to the Protestant Religion, will, in all humane Probability, my Lords, (if our selves, by little Animosities, do not obstruct it) will, I say, raise the Lustre and Reputation of our Church to such a Degree, that, as the Glory of our Arms justly entitles our Nation at present to hold the first Rank, so shall our Church be looked upon as the Mother of all the Reformed Churches in *Europe*.

As to the just Rights and Powers of our Legislative, your Lordships, and all of us know, whether ever any Prince on our Throne, has had a more tender Concern for them than Her Majesty, or whether at any Time there has been a more due and impartial Administration of Justice.

For the Treasure and Credit of the Nation, I appeal to all that hear me, whether ever such large Sums were more chearfully given, or more justly administred. Never were there greater Demands than during this necessary War, nor ever Demands more freely complied with by the People. Such is the Confidence they have in the publick Management, and so ineffectual this Doctor, and his Brethren's sounding a Trumpet to Sedition.

As for our Arms, and Reputation; the many unparallel'd Successes during Her Majesty's Reign, by Sea and Land, speak sufficiently, and do sufficiently proclaim, that her Majesty has far exceeded all Her Predecessors. Our *Henrys* and our *Edwards* have justly left behind them Immortal Fame, for having broke, and subdued, in their Times, the Power of *France*. Queen *Elizabeth* will be ever Glorious for having humbled the Pride of *Spain*. Those two great Monarchies have each in their Turn aimed at the Univerial Monarchy of *Europe*, and each hath been near compassing it, notwithstanding that the one always opposed the other. But it was never imagined, that if they once became united, any Force in *Europe* could have disputed with them. Yet, my Lords, we have lived to see those two formidable

able Powers united, and threatening Destruction to all the Liberties of *Europe*. It was a Task reserved for Her Majesty to encounter this united Force. She has attacked, and reduced them to sue for Peace; and we are perhaps just now at that very decisive Period of Time, when we are to reap the Fruits of a long, and expensive War, by the Conclusion of a solid and lasting Peace.

cc Now, my Lords, at such a critical Juncture, at a Time when it behoves us more than ever to preserve that Union amongst our selves, upon which the Union of the whole Alliance does so much depend, upon which the happy Conclusion of this War, and consequently the Safety and Honour of our Church and State does depend; what does this Pious Son of the Church? What does this Loyal Subject, this Passive Obedience Gentleman do? He is preaching to the City of *London*, from whence we are to receive the greatest Part of the Supplies granted for carrying on the War: Does he say one Word to them to promote, and carry on the Publick Good? No, my Lords: He does to the utmost of his Ability, endeavour to create in them groundless Mistrusts and Jealousies of the Administration. And I will appeal to the Conscience of every one that hears me, and desire, that laying their Hand upon their Heart, they will truly determine within themselves, whether, if those Citizens who heard this Sermon had been byassed by it, we could have expected one Penny of Mony from them, to support a Government which was represented so odious. But those honest Citizens, my Lords, heard this Trumpeter of Sedition with Indignation. Their Affection to the Government is not to be shaken. Her Majesty is absolute in the Hearts of Her Subjects; which is the best way of being Absolute: And all the artificial Suggestions of these *False Brethren* (to use his own Language) will never lessen their Affections to Her.

But, my Lords, how impotent and weak soever the Malice of these Men may prove, yet when such Doctrines are broached, and publickly preached, as tend to enslave a free Nation, to foment Divisions and Parties, to seduce us from our Allegiance to the best of Princes; it becomes the House of Commons, who are Guardians of the Constitution and Liberties of the People, to bring such Delinquents to Justice; and it will become your Lordships, who are Guardians of the Constitution of the People, to prevent the growing of such an Evil. This Man, my Lords, is an inconsiderable Tool of a Party; no ways worth the Trouble we have given your Lordships: But we look upon it that your Lordships Judgment in this Case, will be giving a Sanction which shall determine what Doctrines of this kind shall or shall not be preached. We are persuaded therefore that your Lordships, in giving Judgment on this Case, will have a Re-
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gard to the Honour of the late King and Queen, so highly aspersed; to the Security of Her Majesty and Her Government; to the Protestant Succession; to the Preservation of the Peace at Home, and Reputation Abroad; where if it shall be heard that you have Men, amongst you, insolent enough to vent such Notions, they may likewise hear that it has not been done with Impunity. For all these Reasons, we do hope That your Lordships will inflict such condign Punishment on this Offender, as may deter others from the like Insolence for the future.

Sir Peter King. MY Lords, The Gentlemen who have gone before me having finish'd the first Article of the Impeachment, by Command of the House of Commons, I proceed to make out the second, which relates to the Toleration, one of the principal Consequences of the Revolution. It is well known that great Severities had been formerly used against Protestant Dissenters, which were fomented by Popish Practices, in order to divide us, and thereby weaken the common Protestant Interest, and particularly that of the Church of *England*: This the whole Church of *England* plainly saw in the Reign of the late King *James*, when Popery was coming in like a Flood, and threatned an universal Ruin, and then they did universally profess their Readiness and Intention to show all manner of Tenderneſs to other Protestants, when it should be in their Power to do it. 22

The seven Bishops, who, to their everlasting Honour, made so noble a Stand for the Liberties of the Church and Kingdom, did in their Petition to King *James* declare, That their not reading the Declaration for Liberty of Conscience was not from any want of due Tenderneſs to the Dissenters, in relation to whom they were willing to come to such a Temper as should be thought fit, when that Matter should be considered and settled in Parliament and Convocation.

And to the Glory of the Church of *England*, it must be remembered, that when the Revolution was afterwards effected, they were as good as their Word, and an Act pass'd, in the very first Year of their late Majesties King *William* and Queen *Mary*, Intituled, *An Act for Exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws.* This is that Act that is commonly called *The Act of Toleration*, and was confirmed by another Act made in the succeeding Parliament. As this Act is agreeable in it self to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of *England*, so it hath been found by Experience so much for the Honour of the Kingdom, and for the Credit of the Church, that Her Majesty has been pleased to declare from the Throne her Intention inviolably

lably to maintain it, and both Houses of Parliament have done the same in the most solemn Manner.

Here the Duke of Buckingham moved the Lords to adjourn to their own House, which they did: And the Lords being returned to the Court, and Proclamation commanding Silence made;

Lord Chancellor. Gentlemen, you that are the Managers for the House of Commons may proceed in the Method you were in.

Sir Peter King. My Lords, The Act of Parliament that I was mentioning to your Lordships, is the Act relating to the Toleration, referr'd to in the Preamble to the Articles; your Lordships, and every one else, remember the Necessity there was for that Act, and having experienced the Benefit of it, Her Majesty and both Houses of Parliament have concurred in a Declaration, that that Act shall be inviolably observed: This being then not only a positive Law, but also a beneficial One, as well for the Benefit of the Church in particular, as the Welfare and Support of the Protestant Interest in general, it very ill became any private Person to endeavour to bring that Law, by any publick Discourse, into Contempt or Disrepute.

The Article the Doctor is charged with, in Relation hereto, is,
 “ That he suggests and maintains, That that Toleration gran-
 “ ted by Law is unreasonable, and the Allowance of it unwar-
 “ rantable; and asserts, that he is a False Brother, with Rela-
 “ tion to God, Religion, and the Church, who defends Tole-
 “ ration and Liberty of Conscience; that Queen *Elizabeth* was
 “ deluded by Archbishop *Grindall*, whom he scurrilously calls
 “ a False Son of the Church, and a perfidious Prelate, to the
 “ Toleration of the *Genevian* Discipline; and that it is the Du-
 “ ty of Superior Pastors to Thunder out their Ecclesiastical A-
 “ nathema's against Persons intituled to the Benefit of the said
 “ Toleration, and insolently dares and defies any Power on
 “ Earth to reverse such Sentences.

My Lords, The first Part of this Article, which is the principal Part, contains a general Charge against the Doctor, for affirming and maintaining, “ That the Toleration granted by
 “ Law is unreasonable, and the Allowance of it unwarrantable. The rest of the Article consists of particular Passages, taken out of his Sermon, tending to make good and prove that general Charge.

As to the general Charge contain'd in the first part of this Article, of his maintaining the Toleration granted by Law to be unreasonable, and the Allowance of it unwarrantable: His Answer is very observable, and is, That upon the most diligent
 En-

Enquiry he has not been able to inform himself that a Toleration hath been granted by Law; but admits, that an Act did pass in the first Year of King *William* and Queen *Mary*, intitled, *An Act for Exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws*. Which Exemption, he saith, he doth not any where maintain to be unreasonable, or the Allowance of it unwarrantable; but hopes that he had prevented any such Misapprehension, by declaring, in his Sermon preach'd at *St. Paul's*, that he intended not to cast the least invidious Reflection upon that Indulgence which the Government had given.

Indeed, it is almost difficult to be serious in giving a Reply to that part of his Answer, That he cannot inform himself that a Toleration hath been granted by Law. 'Tis true, the Word Toleration is not mention'd in that Act, neither is the Word Indulgence to be found in that Law; but every Body knows that the Exemption granted by that Act is commonly called *The Toleration*, and the Act it self, *The Toleration Act*: What is the Intent of that Act, but to tolerate and allow Persons, qualified by that Act, to exercise their Religion, notwithstanding Penal Laws to the contrary. Toleration is really a Word of less Import than Indulgence, it is a bare Permission, and Allowance; and this Word has gain'd such a known and fix'd Notion and Signification in every one's Mind, than whenever it is mentioned there is not any Doubt what is meant by it: It is now become a Word of Art, that not only in common Conversation, but even in the most publick Acts of State, the Exemption granted by the Act made in the 1st of King *William* and Queen *Mary* is called *the Toleration*: Did not Her Majesty, in Her Speech to both Houses of Parliament from the Throne, in the Year 1705, declare that she would always inviolably maintain *the Toleration*? Did not both Houses of Parliament, in their several Addresses to Her Majesty for that most gracious Speech, express their deep Satisfaction of Her Majesty's Resolution to maintain *the Toleration*? In the free Conferences between the Lords and Commons about the Bill for preventing Occasional Conformity, in the Year 1702. Is not this Act of the 1st of *William* and *Mary*, called *the Act of Toleration*, and the Exemption granted by that Act called *the Toleration*? So that it seems strange the Doctor should not know that a Toleration had been granted by Law; and it is more strange yet, when he himself, in this very Sermon, called the Indulgence granted by that Act, *the Toleration*.

In the 14th Page of his Sermon, where he is complaining of false Brethren in the Kingdom, who are permitted and suffered to combine into Bodies and Seminaries, wherein Atheism, Deism, Tritheism and Socinianism, and a great many other wicked Principles are taught; he concludes thus, "Certainly, says he, *The Toleration* was never intended to indulge and cherish such

“ Monsters and Vipers in our Bosom. What was it possible for the Doctor to mean in that Place, by *the Toleration*, but the Indulgence, as he calls it, granted to the Dissenters by the Act of 1 *Guil. & Mar.*

In the 19th Page of the Sermon, speaking of the Dissenters, says, “ Now they have advanced themselves, from the Religious Liberty our gracious Sovereign has indulged them, to claim a Civil Right, as they term it, and to juggle the Church out of Her Establishment, by hoisting *their Toleration* in to its Place. What could he possibly mean here by these Words, but that Toleration, or that Indulgence, which was granted in the time of the late King and Queen to the Dissenters? So that it is plain, that when he made, and preached, and published this Sermon, he knew very well, that that Indulgence that was granted by the Law made in the first of King *William* and Queen *Mary*, was commonly call'd *the Toleration*; and this Toleration granted by that Law, is that which the Commons in their Impeachment say he maintains to be unreasonable, and the Allowance of it unwarrantable; and this is what I am now to make out and prove.

But I must do the Doctor Justice to own, that Page 20. of his Sermon preach'd at *St. Paul's*, he doth use these Words, referr'd to by him in his Answer, *viz.* “ I would not here be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescribed.

The Doctor, by putting in that Caution, seems himself to be apprehensive, his Words were otherwise in danger to be esteem'd a Reflection upon that Indulgence or Toleration that the Government had given; having just before commended the Severities that were used in the Reign of Queen *Elizabeth* against the Dissenters, which could not be spoken in Commendation of the Toleration, but would reasonably be understood to be a Condemnation of it, because it removed and took away those Severities, he then subjoins the forementioned Passage; which dry Caution will not excuse the Doctor, if in the other Parts of his Sermon he doth visibly and plainly condemn the Toleration, and Censure it as unreasonable, and the Allowance of it unwarrantable; which that he doth, I shall endeavour to prove from other direct and formal Passages in his said Sermon.

The first Passage that I shall Cite to this purpose is in the 10th Page of the Sermon, and is in these Words; “ So that, in all those Cases before-mentioned, whosoever presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to our State; Heterodoxy in the Doctrines of the one, naturally produ-
“ cing

“ cing, and almost necessarily inferring Rebellion and High-
 “ Treason in the other, and consequently a Crime that con-
 “ cerns the Civil Magistrate, as much to punish, and restrain,
 “ as the Ecclesiastical. The beginning of this Passage is tied
 up to the Cases before-mentioned, *so that in all those Cases be-*
fore-mentioned, which being a term of Relation, must be expoun-
 ded in Reference to what went before.

This Passage is contained in his second Head of False Bre-
 thren, of those who are False Brethren with Relation to the
 State, Government or Society of which they are Members; and on
 Perusal thereof I do not find any one Article of the Faith of our
 Church before-mentioned under that Head, to which these rela-
 tive Terms do refer; for all that he saith before under that Head
 is, “ That the Constitutions of most Governments differing ac-
 “ cording to their several Frames, and Laws, upon which they
 “ are built and founded, it is impossible to lay down any one u-
 “ niversal Rule, as the Scheme and Measure of Obedience, that
 “ may square to every one of them: Only this Maxim in general,
 “ he presumes, may be Establish’d for the Safety, Tranquility and
 “ Support of all Governments, That no Innovation whatsoe-
 “ ver should be allowed in the Fundamental Constitution of
 “ any State, without a very pressing, nay, unavoidable Necessi-
 “ ty for it; and whosoever singly or in a private Capacity
 “ should attempt it, is Guilty of the highest Misdemeanour,
 “ and is an Enemy to that Politick Body of which he is a
 “ Member.

Then the Doctor applies this Maxim to our Government,
 “ Our Constitution, saith he, both in Church and State, has
 “ been so admirably contrived, with that Wisdom, Weight, and
 “ Sagacity, and the Temper, and Genius of each, so exactly
 “ suited, and modell’d to the mutual Support and Assistance of
 “ one another, that ’tis hard to say, whether the Doctrines of
 “ the Church of *England* contribute more to Authorize and En-
 “ force our Civil Laws, or our Laws to Maintain and Defend
 “ the Doctrines of our Church. The Natures of both are so
 “ nicely Correspondent, and so happily intermixt, that ’tis almost
 “ impossible to offer a Violation to the one, without breaking
 “ in upon the Body of the other: So that in all those Cases be-
 “ fore-mentioned, whosoever presumes to alter, innovate or
 “ misrepresent any Point in the Articles of the Faith of our
 “ Church, ought to be Arraign’d as a Traytor to our State, &c.

I read your Lordships this whole Paragraph to shew, that the
 Cases said to be before-mentioned, are not contained in this
 Head of the said Sermon, but they are plainly contained in a former
 Paragraph, *viz.* in his first Head of false Brethren, with relation
 to God, Religion, and the Church in which they hold Commu-
 nion; under which Head the Doctor enters into a long Description
 of such kind of false Brethren, and enumerates several Articles

and Rites of the Church, the Disbelievers or Deniers whereof are termed False Brethren; and amongst other of his Characters, in *Pag.* 8. he brands him for being false to the Interest of the Church, that gives up any Point of Her Discipline and Worship these are the exteriour Fences to guard the Internals of Religion, without which they are left naked, without Beauty, Order, or Defence; should any Man out of Ignorance, or Prejudice to the Ancient Rights and Essential Constitution of the Catholick Church, affirm, "That the Divine Apostolical Institution of Episcopacy is
 " a novel Doctrine, not sufficiently warranted by Scripture, and that
 " 'tis indifferent whether the Church be Governed by Bishops or
 " Presbyters: Is not such an one an Apostate from his own Orders? So that one of the before-mentioned Cases of False Brotherhood is, the affirming that the Divine Apostolical Institution of Episcopacy is a Novel Doctrine, not sufficiently warranted by Scripture, and that it is indifferent whether the Church be governed by Bishops or Presbyters. This is affirmed and held by all the Dissenters; and tho' they should be mistaken in their Opinions, yet still it is their Opinion, and they are notwithstanding tolerated, and are exempted by the Toleration Act from subscribing the Sixth and Thirtieth Article, that the Book of Consecration of Archbishops and Bishops, and of the Ordination of Priests and Deacons, set forth in the times of King *Edward* the Sixth, contain in it all things necessary to their Consecration and Ordination, and hath nothing in it either Superstitious or Impious: Now notwithstanding this Innovation or Alteration of this Article of the Church by the Dissenters, the Law doth nevertheless Tolerate and Indulge them.

But the Doctor is of another Opinion, and he affirms, That whoever Innovates, Alters, or Misrepresents, this Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traitor to the State, and ought to be punished, as well by the Temporal as the Ecclesiastical Magistrate; for he goes on, and carries it yet a great deal further, by the Reason he gives for his Assertion, which is, "Heterodoxy in the Doctrines of the
 " one, naturally producing, and almost necessarily inferring,
 " Rebellion and High-Treason in the other; and consequently
 " a Crime that concerns the Civil Magistrate as much to punish
 " and restrain, as the Ecclesiastical. Here's an Assertion to the purpose; that Heterodoxy, that is, the holding a different Opinion from any Article of the Faith of our Church, naturally produces, and almost necessarily infers Rebellion and High-Treason in the State, and consequently a Crime that concerns the Civil Magistrate to punish, as well as the Ecclesiastical. He himself, in the immediate subsequent Words, doth own, That this Assertion at first View may look like an High-flown Paradox, and I believe it will still appear to be so upon a Review, That whosoever is of a different, or other Opinion, in any of the Articles

articles of the Faith of the Church, is guilty of High-Treason, and the Temporal as well as the Spiritual Magistrate, ought to punish him as a Traytor for it. The Articles of the Church are in number Thirty Nine; some of the Dissenters are by the Act of Toleration exempted from subscribing three and a half of them, viz. the 34th Article, which relates to the Traditions and Ceremonies of the Church, and the Power of the Church to Ordain, Change and Abolish Ceremonies and Rites: The 35th Article concerning the Book of Homilies, and reading of them in Churches: The 36th Article, concerning the Consecration of Archbishops and Bishops, and the Ordination of Priests and Deacons; and the former Part of the 20th Article, which Asserts the Power of the Church to Decree Rites and Ceremonies, and Authority in Controversies of Faith. Other Dissenters, who scruple the Baptizing of Infants, are also exempted from Subscribing that Part of the 27th Article which relates to Infant Baptism; and the Quakers are exempted from Subscribing any of the Articles, and are only required to Subscribe a short Declaration of the Trinity, and that the Scriptures are given by Divine Inspiration. All these several sorts of Dissenters, notwithstanding their Heterodoxy in those Points, are exempted by the Toleration Act from the Penalties of the former Laws, and are by this Act preserved in the free Exercise of their Religion or Worship, and not only the Penalties inflicted on them by former Laws are taken away, but several Immunities and Privileges are given them, as an Exemption of their Teachers from Parish Offices, and a Penalty for disturbing their Congregations: Now when this is Establish'd by a Law, and that Act of Toleration is in full force, for the Doctor to affirm, notwithstanding all this, that Heterodoxy, or a different Opinion from any of the Articles of Faith of our Church, almost necessarily infers Rebellion and High Treason in the State, and is a Crime that concerns the Civil Magistrate to punish, as well as the Ecclesiastical, What can be a more direct breaking in upon, and disavowing of the Toleration than this? Is not this to maintain the Toleration granted by Law to be unreasonable, and the Allowance of it unwarrantable?

Another Passage that I shall Cite to prove the general Charge against the Doctor, is in the 16th and 17th Pages of the Sermon, *What could not be gained by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pulled down, it may be blown up; and no matter with these Men how 'tis destroyed, so that it is destroyed.* In this Place the Doctor is speaking of the great Mischiefs and Perils of his False Brethren to the Church, and to prevent any mistaken Notions of the Church, he intimates, that we are to understand the true

genuine Notion of it, as it stands contradistinguished in its Establish'd Doctrine, Discipline and Worship from all other Churches and Schismatics, who would obtrude upon us a wild Negative Idea of a National Church, so as to incorporate themselves into the Body as true Members of it; whereas that Latitudinarian Heterogeneous Mixture would render it the most Absurd, Contradictory and Self-inconsistent Body in the World: And from thence he proceeds to show that this Design of a Comprehension miscarried, and that that long projected Scheme of the Ecclesiastical *Achitophel's* was blasted: "But, says he, "since this Model of universal Liberty and Coalition failed, "and these False Brethren could not carry the Conventicle into the Church, they are now resolved to bring the Church into the Conventicle, which will plausibly and sily effect her Ruine. And how is that to be done? Why, "What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pulled down by Comprehension and Toleration, it may be blown up by Occasional Conformity and Moderation; and no Matter with these Men how 'tis destroy'd, so that 'tis destroy'd. Is not this calling the Toleration an open Violence to the Church? That it was an Attempt made to destroy the Church, though the Church it self came into, and settled this Toleration? I say, the Legislature in the Time of their late Majesties King *William* and Queen *Mary*, and particularly the Bishops, the Fathers of the Church, were very well satisfied that this Toleration granted to the Dissenters, was no way prejudicial to the Safety and Security of the Church. Now for the Doctor to come and say, that Toleration was intended to pull down the Church, and that it is an open Violence to the Church; is not this to maintain, that the Toleration is unreasonable, and the Allowance of it unwarrantable?

My Lords, These Passages which I have cited to your Lordships, do prove the general Charge of this Article: There are other Passages in the Sermon, particularly referred to in the Article, which likewise prove this general Charge, to which I shall next proceed. And,

The next Part of the Charge in the second Article is, That he asserts, that he is a False Brother with Relation to God, Religion or the Church, who defends Toleration and Liberty of Conscience.

These Words are contained in so many express Terms in the 8th Page of his Sermon, where after he hath copiously described his false Brethren, he comes and Sums up the whole in these Words; *If upon all Occasions to comply with the Dissenters*
both

both in publick and private Affairs, as Persons of tender Conscience and Piety, to promote their Interests in Elections, to sneak to them for Places and Preferment, to defend Toleration, and Liberty of Conscience, and under the Pretence of Moderation to excuse their Separation, and lay the Fault upon the True Sons of the Church for carrying Matters too high; If to court the Fanatics in private, and to hear them with Patience, if not Approbation, Rail at and Blaspheme the Church, and upon Occasion to justify the King's Murder; If to flatter both the Dead and the Living in their Vices, and to tell the World, that if they have Wit and Money enough, they need no Repentance, and that only Fools and Beggars can be Damn'd; If these, I say, are the Modish and Fashionable Criteria of a true Church-Man, God deliver us all from such False Brethren!

So that one Mark of these False Brethren, in this Part of his Sermon, is to defend Toleration and Liberty of Conscience. As to this the Doctor gives two Answers, one by way of Inference or Presumption, and the other Direct; that by way of Inference is, "That he having so plainly declared himself in Favour of the Exemption granted by Law, when he blames those who upon all Occasions defend Toleration and Liberty of Conscience, he cannot be thought to reflect on the Defenders of that Legal Exemption or Indulgence, which he himself approves and defends.

Now if he had not in other Parts of his Sermon condemned the Toleration expressly, it might have passed for an Answer; but now, if the Doctor has more than once in other Parts of his Sermon directly inveighed against this Toleration, then his Meaning is more naturally to be understood by so many several Passages, than by one single Sentence, and with what View thrown in, the reading of the Sermon will plainly shew; and therefore the true Way to come at the true Meaning of his Words, is to take them as they stand in his Sermon, and that is what your Lordships will judge by. In the next Place he gives a direct Answer to this Part of the Charge; which is, that he does not mean by this Description of a False Brother, those who only defend Toleration and Liberty of Conscience, and do no more, but he only blames those who upon all Occasions defend Toleration and Liberty of Conscience, and, to excuse their Separation, lay the Fault upon the true Sons of the Church for carrying Matters too high; so that I don't reckon him, says he, as a False Brother who barely defends Toleration and Liberty of Conscience, except that at the same Time that he is defending Toleration, he lays the Fault of the Separation upon the true Sons of the Church for carrying Matters too high. Now I submit to your Lordships, upon reading of this Passage, whether it is capable of such an Interpretation:

If

If it be look'd into, it will be found that the several particular Characters there mention'd are all of them so many particular Marks of a False Brother; it is not necessary that Two, or Three, or all of them meet together in one Person to make up the Character of a False Brother; but if any one of them be found in any Person, 'tis sufficient to Characterize him a False Brother; Whoever is guilty of one any of those Acts, of which defending Toleration is one, is a False Brother; and his asserting the defending of Toleration to be a Mark of a False Brother, is an evident Declaration against the Justice and Expediency of the Toleration.

The next particular Charge upon him in this Article, is for asserting, "That Queen Elizabeth was deluded by Archbishop Grindall, whom he scurrilously calls a False Son of the Church, and a Perfidious Prelate, to the Toleration of the Genevian Discipline." This Charge upon him is founded on those Words of his Sermon, in the 19th Page; these are his Words; *Have they not, ever since their first unhappy Plantation in this Kingdom, by the Intercession of that False Son of the Church, Bishop Grindall, always improved, and rise upon their Demands in the Permission of the Government? Insomuch that Queen Elizabeth, that was deluded by that perfidious Prelate to the Toleration of the Genevian Discipline, found it such an Headstrong and encroaching Monster, that in Eight Years She foresaw it would endanger the Monarchy, as well as the Hierarchy; and like a Queen of true Resolution, and pious Zeal for both, pronounced, That such were the restless Spirits of that factious People, that no Quiet was to be expected from them, 'till they were utterly suppressed: Which, like a prudent Princess, she did by Wholesome Severities, that the Crown for many Years sat Easy and Flourishing on her Head.*

As to that part of the Charge where he says, That Queen Elizabeth was deluded to the Toleration of the Genevian Discipline by Archbishop Grindall, the Doctor's Answer is, "That he humbly conceives he hath good Authority from the Histories and Monuments of those Times for such Assertion; but whether he hath, or hath not, he humbly apprehends such Assertion to be no Proof of his Maintaining or Suggesting, That the Exempting of Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws, granted by an Act made in the First Year of the Reign of King William and Queen Mary, (which Exemption he supposes to be intended by the Legal Indulgence, or Toleration granted to Dissenters, mention'd in Preamble of the Articles, and by the Toleration granted by Law mention'd in this Second) is unreasonable, or the Allowance of it unwarrantable.

My Lords, It might not perhaps be difficult to shew that there are some Mistakes in this Fact, but whether there be or no, will not now be worth spending your Lordships Time; for I do agree with him, That the material Point is what he puts it

it upon, whether this Assertion, as printed and delivered by him in his Sermon, be a Censure or Condemnation of the Toleration Act. Now whether it be so or no, will appear by taking the whole Clause together. This Passage is in the 19th and 20th Pages, and is in that Part of his Sermon where he is shewing the great Perils and Mischief of his False Brethren to the State, and that they are destructive to our Civil Rights and Liberties; and in the Pursuit of his Argument he plainly shews that the False Brethren there meant are the Dissenters, who are Tolerated by this Act of Parliamant. “ These False Brethren, “ says he, have now advanced themselves from the Religious “ Liberty our Gracious Sovereign has indulged them, to claim “ a Civil Right, and to juttle the Church out of her Establish- “ ment by hoisting their Toleration into its Place. So that ’tis plain, these False Brethren here spoken of are the Dissenters, those who have the Benefit of the Toleration Act. And then he goes on; “ And to convince us what alone will satisfy them, “ insolently demand the Repeal of the Corporation and Test “ Acts, as an Ecclesiastical Usurpation, which indeed under “ Her Majesty (whom God long preserve for its Support and “ Comfort) is the only Security the Church has to depend up- “ on; and which they have so far eluded by their abominable “ Hypocrisy, as to have undermined her Foundations, and en- “ danger the Government, by filling it with its professed Ene- “ mies. These Charges are so flagrant and undeniable, that a “ Man must be very weak, or something worse, that thinks “ or pretends the Dissenters are to be gain’d or won over by “ any other Grants and Indulgences, than by giving up our “ whole Constitution: And he that recedes the least Tittle “ from it, to Satisfy or Ingratiate with these Clamorous, Insatiable and Church-devouring Malignants, knows not what “ Spirit they are of, or he ought to shew who is a true Mem- “ ber of our Church.

These Passages I have read to your Lordships, to shew that these False Brethren here spoken of are the Dissenters, who are now Tolerated by the Law granted to them in the Time of their late Majesties King *William* and Queen *Mary*; and of these Dissenters follows this Passage: “ Have they not, ever “ since their first unhappy Plantation in this Kingdom, by the “ Intercession of that False Son of the Church, Bishop *Grin-* “ *dall*, always improv’d, and rise upon their Demands in the “ Permission of the Government? Insomuch, that Queen *Eli-* “ *zabeth*, that was deluded by that perfidious Prelate to the To- “ leration of the *Genevian* Discipline, *id est*, the Discipline and Polity of the Dissenters, so called, because taken from *Geneva*, “ found it such a Headstrong and Encroaching Monster, that “ in eight Years she foresaw it would endanger the Monarchy, “ as well as the Hierarchy; and, like a Queen of true Resolu- “ tion

“tion and pious Zeal for both, pronounc’d, That such were
 “the restless Spirits of that Faction People, that no Quiet was
 “to be expected from them, ’till they were utterly Suppress’d;
 “which, like a prudent Princess, she did by Wholesome Se-
 “verities, that the Crown for many Years sat Easie and Flou-
 “rishing on her Head.

In this memorable Passage he represents Archbishop *Grindall* as a False Son of the Church, and a perfidious Prelate, for deluding the Queen into a Toleration of the *Genevian* Discipline. Whether that Fact be true, or not, is not material to our Purpose; but this is, that he charges it for a Fault on the Archbishop, and for which he calls him a False Son of the Church, and a perfidious Prelate, for inducing the Queen to give a Toleration to the Dissenters in those Days: The Fault is not, that it was a Regal Toleration only, but the Fault was in the Toleration it self, in consenting to a Liberty to the Dissenters. Now what is this in Effect, but to Preach to the whole World, That the Parliament are in the wrong to grant a Toleration to the Dissenters; That the Lords and Commons, who consented to the Toleration, are not true Sons of the Church; And that the Bishops, who are for Tolerating the Dissenters, are neither Fathers nor Sons of the Church, but corrupt and perfidious Prelates?

That this Character of Archbishop *Grindall* was design’d for a Censure of the present Toleration, will appear more fully by the contrary Character he gives of Queen *Elizabeth*; “he com-
 “mends her Resolution and pious Zeal for the Monarchy and
 “Hierarchy, in declaring that no Quiet was to be expected from
 “the restless Spirits of that factious People, ’till they were ut-
 “terly Suppress’d; which, like a prudent Princess, she did by
 “Wholesome Severities, that the Crown for many Years sat
 “Easie and Flourishing on her Head. Now what can the *English* of all this be, but to inflame the Government against the Dissenters? What could be said more prevalent for this purpose, than to recommend it as a noble Resolution and pious Zeal in Queen *Elizabeth*, utterly to Suppress the Dissenters? And if that Resolution be to be followed, the Legislature must Repeal the Toleration Act; and what could be said more contrary to the Toleration Act, than to recommend the Severities used in Queen *Elizabeth*’s Reign, because they were Wholesome in themselves, and of happy Consequence to the Person and Government of that Renowned Queen. If there were not a Necessity for it on this Occasion, I would not mention what those Wholesome Severities were, but rather cast a Veil over that Part of the Reign of that Great and Glorious Queen.

To give a short View of these Wholesome Severities; some Hereticks were burnt, other Persons were hang’d, some had their Goods Confiscated, others had their Persons imprison’d; and

and to mention more particularly a publick Act in Writing that cannot be falsified or misrepresented, and which is since relax'd by the Toleration Act, an Act pass'd in the 35th Year of Queen *Elizabeth*, Intituled, *An Act to retain the Queen's Majesty's Subjects in their due Obedience*; by which the Dissenters are, among other Penalties, to Abjure the Realm in Forty Days, or suffer Death without Benefit of the Clergy.

This Penalty of Abjuration of the Realm was taken from the ancient Common Law of *England* in relation to Felony, by which if a Man committed any Felony, excepting Sacrilege, and fled to a Parish Church, he might within Forty Days before the Coroner confess the Felony, and take an Oath to Abjure the Kingdom for ever; and if he thus confess'd and took that Oath, he was thereby Attainted of the Felony, and then he had Forty Days from the coming of the Coroner to provide and prepare for his Voyage, and the Coroner assign'd him such a Port as he chose for his Departure out of the Kingdom; and if he did not go straitway out of the Kingdom, or being gone out did return without Licence, he had Judgment to be Hang'd, except he was a Clerk, and then he had his Clergy.

This Practice was what the Law call'd Abjuration, and being by several Regulations in the Time of *Henry* the Eighth in effect taken away, the Revival of this Practice was thought to be a Wholesome Severity, fit to be inflicted on the Protestant Dissenters of those Times, and therefore the 35th of Queen *Elizabeth* doth Enact, That if any Person obstinately refusing to repair to some Church or Chapel, or usual Place of Common-Prayers, and forbearing by the space of a Month to hear Divine Service, should after forty Days after the End of that Session of Parliament willingly join or be present at any Conventicle or Meeting, under pretence of Religion, contrary to the Laws and Statutes of the Realm, that then such Person should be committed to Prison 'till he should conform and come to Church; and if within three Months after Conviction he should not conform and come to Church, and make his publick Confession and Submission, being thereunto required according to the Form of the said Act, that then such Offender should Abjure the Realm; and if, being thereunto required, should refuse to make such Abjuration, or after such Abjuration, made should not within the time appointed him depart the Realm, or after such Departure should return without the Queen's Licence, then, in every such Case, every Person so offending should be a Felon without Benefit of Clergy. So that the Abjuration inflicted on Protestant Dissenters by this Act, was worse than Abjuration for Felony at the Common Law; in that they had the Benefit of Clergy, in this they had not.

This is one of the Severities of Queen *Elizabeth's* Reign, whether it be a Wholesome Severity or not, humane Nature will determine; however Wholesome it might have been esteem'd in those Days by those who had the Power and Will to Punish others, yet the Legislature have *in terminis* declar'd it Unwholesome for these Times, and the Toleration Act doth expressly and by name exempt the Protestant Dissenters from the Penalties of this Act of the 35th of Queen *Elizabeth*.

Now when the Toleration Act hath granted this Exemption, for the Doctor to come and publickly represent an Archbishop as a False Son of the Church, and a perfidious Prelate, for being for the Toleration of Dissenters in his Time, and at the same time recommend the Resolution and pious Zeal of Queen *Elizabeth*, for declaring that she would utterly Suppress them, and her great Prudence in exercising Wholesome Severities against them, which were of happy Consequence to her Person and Government; What could be said more against the Toleration Act, than this is? The Toleration Act exempts the Dissenters from the Penalties and Severities inflicted in Queen *Elizabeth's* Reign; the Doctor Recommends them all again, as wholesome and necessary. Let any Person judge whether this is not an express Declaration against the Toleration Act.

There is yet one thing more charged upon the Doctor in this Part of the Second Article, *viz.* That he scurrilously calls Archbishop *Grindall* a False Son of the Church, and a perfidious Prelate, for deluding Queen *Elizabeth* to the Toleration of the *Genevian* Discipline. Whether this, consider'd abstractedly by it self, be in Law a Crime, or not, is not necessary for me here to examine. The Doctor conceives, that no Words spoken of an Archbishop, above One hundred and twenty Years since deceased, will in Construction of Law amount to an high Crime and Misdemeanor: Whether it be so or not in it self, I shall say nothing of at present, because I take it, that this is only taken notice of as an Aggravation of the Crime charged upon him, and to shew his Zeal against the Toleration; that he was not contented with Censuring the Toleration it self, but rakes into the Ashes of an Archbishop, that had been in his Grave One hundred and twenty Years, and blackens his Memory because he was for the Toleration of those People, who are now by Law tolerated.

My Lords, I would on this Occasion say a Word or two to the Memory of that Archbishop: The Doctor says, he was under the Displeasure of Queen *Elizabeth*; that is very true; and he pretends the Occasion of his being under her Displeasure, was for permitting Innovations to be obtruded upon the Church; those Innovations were no other than what several other Bishops at the same time likewise practis'd, and some Bishops since have done not much unlike; it was for encouraging

raging the Meetings and Exercisings in those Days call'd Prophesyings, which were Meetings of the Clergy to Improve one another in the Knowledge of the Scriptures, and tended to make a Learned and Industrious Clergy. This was misrepresented to the Queen, and was the visible Cause of his Disgrace: But the true Reason of his Disgrace, as Historians say, sprung from the Hatred of the Earl of *Leicester*, who was then in great Power and Credit with the Queen, and her great Favourite. This Earl of *Leicester* cast a Covetous Eye upon *Lambeth-House*, and would have had the Archbishop to have alienated it, but he would not comply with him; which, as the Historian says, made the *Leicestrian* Party to Malice him. The Earl was likewise provoked and incensed against him for another Reason, *viz.* for Prosecuting one *Julio*, a Physician of the Earl's, an *Italian* Physician, for having two Wives, one of which was the Wife of another Man, with whom he lived in Adultery; for these two Offences against the Earl of *Leicester*, who bore a mighty Power at Court with the Queen at that time, was this Storm raised against him. But, my Lords, for his Life and Doctrine, the Archbishop was one of the most pious, learned and considerable Prelates of that Time: 'Tis very true that he was one of those Bishops that looked upon the Exercises used in those Times by the Clergy, called Prophesyings, to be very necessary for their Improvement, and for the Benefit of the Church; and some of the best Bishops of those Times concurr'd with him in the same Opinion. He was a Man of a most exemplary Life, and Conversation, free from the Suspicion of a Crime. In his younger Days he was Chaplain, with *Rogers* and *Bradford*, to *Ridley* Bishop of *London*, who gave this Character of him, That he was known to be a Man of Virtue, Honesty, Discretion, Wisdom and Learning. In the Persecution under Queen *Mary*, when his Master and Fellow-Chaplains were burnt for Religion, he became an Exile on the same Account, and quitted his Ease, Perferments, and Hopes at Home, to enjoy the Liberty of his Conscience in a Foreign Country, and went to *Strasburg*; and when the famous Troubles begun at *Francfort*, about the Use of the *English* Service, where the Foundations were laid of the Divisions that have since divided and rent the Church, he was so far from disliking the *English* Method, that he went from *Strasburg* to *Francfort* to encourage and persuade the Congregation there to submit to the *English* Establishment, and he himself stuck close to it all his Life-time: At his coming home, in the beginning of the Reign of Queen *Elizabeth*, he had a great hand, and was very Instrumental, in preparing the Liturgy and Book of Common-Prayer; and the first time that the *English* Service Book was introduc'd at *St. Paul's* in *London*, the Privy-Council and great Officers of State, for the greater Solemnity, came to *St. Paul's*,
and

and *Grindall* was appointed to preach to that great Audience upon that solemn Occasion: He was one of the first five Bishops made by Queen *Elizabeth*, and was first Bishop of *London*, afterwards Archbishop of *York*, and last of all Archbishop of *Canterbury*; and when afterwards, by the Earl of *Leicester's* Artifice, he was out of Favour, and under the Queen's Displeasure, yet he had so great an Interest in the Clergy, and their Esteem of him was so extraordinary, that even whilst he was under Disgrace at Court, and the Displeasure of the Queen, a considerable number of the Convocation, then met, presented a Elegant Petition in *Latin* to the Queen to restore him, wherein they represent to Her Majesty, that the Archbishop had led a Life free, not only from all Crime, but even from the Suspicion of a Crime; that he had preserved his Religion from all, not only Corruption of Popery, but Schism, and had suffered Persecution for Righteousness sake, having wandred abroad in other Countries for the Cause of the Gospel; and therefore they most humbly besought Her Majesty, not only to lift up the Archbishop broken with Grief, but to restore the Church to the Archbishop, and the Archbishop to the Church, to her Subjects, to his Brethren, to foreign Nations, and in a word, to all pious People. These were the Thoughts of the Clergy of the Archbishop at that time, even when he was under the Displeasure of the Queen, so that there was no Reason for the Doctor to asperse him as a False Son of the Church, or a perfidious Prelate, for it appears on the contrary, that he was a Man universally esteem'd for his Virtue, Piety and Learning.

The last Charge of this Article is, that he asserts, " That
 " it is the Duty of Superior Pastors to thunder out their Eccle-
 " siastical *Anathema's* against Persons Intituled to the Benefit of
 " the Toleration; and insolently dares or defies any Power on
 " Earth to reverse such Sentences.

To which the Doctor gives this Answer, " That the Persons
 " intituled to the Benefit of the Toleration are not by him men-
 " tioned or intended; but if these Expressions in his Sermon
 " must be determin'd to any one sort of Persons, he conceives
 " that the Connexion of his Discourse will determine them to
 " those Schismatical and Factious Persons who take Permissi-
 " on for Power, and advance Toleration immediately into an
 " Establishment.

Now be it so, that he means those Schismatical and Factious Persons, the next Question, which will set this matter in a clear light, will be, who those Schismatical and Factious Persons are, who take Permission for Power, and advance Toleration immediately into an Establishment; and it is plain from the Passage it self, which is in Page 25 of the Sermon, that he means

the

the Dissenters, those who are intituled to the Benefit of the Toleration.

“ If our Dissenters, saith he, had lived in the Times of
 “ St. Paul, they would have branded him as an intemperate,
 “ hot, furious Zealot, that wanted to be sweetned by the gen-
 “ tle Spirit of Charity and Moderation forsooth; Schism and
 “ Faction are Things of Impudent and Incroaching Natures;
 “ they thrive upon Concessions, take Permission for Power,
 “ and advance a Toleration immediately into an Establishment,
 “ and are therefore to be treated like growing Mischiefs, or
 “ infectious Plagues, kept at a distance, lest their deadly Con-
 “ tagion spread: Let us therefore have no Fellowship with
 “ these Works of Darkness, but rather reprove them; let our Su-
 “ perior Pastors do their Duty in thundering out their Ecclesiasti-
 “ cal Anathema's, and let any Power on Earth dare Reverse a
 “ Sentence ratified in Heaven. And indeed the Doctor doth, in
 “ the following part of his Answer, in effect own it; for saith he,
 “ As to the last Part of the Second Article, whereby the said
 “ *Henry Sacheverell* is charg'd with insolently daring or defying
 “ any Power on Earth to Reverse the Ecclesiastical Sentences
 “ there mentioned: He the said *Henry Sacheverell* saith, that
 “ the Sentence which he the said *Henry Sacheverell* dares any
 “ Power on Earth to Reverse, is such, and such only, as is ra-
 “ tified in Heaven, and such Sentence he still affirms to be by
 “ any earthly Power irreversible; and hopes it will not be
 “ thought Insolence in him to affirm, what he conceives would
 “ be Blasphemy in any one to deny; and doth farther acknow-
 “ ledge himself firmly to believe that some Sentences pronoun-
 “ ced by the Pastors of the Church are ratified in Heaven; and
 “ that some Persons exempted from Punishment by the particular
 “ Laws of the Land, may yet by the Laws of Christ be justly
 “ liable to such Sentence; and that Schism, or a causeless Se-
 “ paration from a Church enjoining no sinful Terms of Com-
 “ munion, is a Sin, which exposes the Person guilty thereof to
 “ the Censures of the Church.

The House of Commons charge the Doctor with Insolence, in daring or defying any Power on Earth to Reverse the Ecclesiastical Sentences mentioned in his Sermon, and he by Insinuation retorts upon them the Charge of Blasphemy: This the House of Commons thought they had Reason to resent, and to call upon your Lordships for immediate Punishment of him for treating them in this manner; but they leave it to your Lordships, in what manner you will think fit to do them Justice, in vindicating them against such a Charge. But as to this Passage now before you, he affirms, that some Sentences pronounced by the Pastors of the Church are ratified in Heaven; that some Persons exempted from Punishment by the Laws of the Land, may yet by the Laws of Christ be liable to such Sen-

tence ; and “ that Schism, or a causeless Separation from a Church
 “ enjoining no sinful Terms of Communion, is a Sin, which
 “ exposes the Person guilty thereof to the Censures of the Church.
 Now what is this but to say, The Dissenters causelessly Separate
 from the Church, which imposes no sinful Terms of Commu-
 nion, and so are guilty of Schism ; tho’ the Law of the Land
 doth exempt them from Punishment for this Schism, yet for this
 Sin they are exposed to the Censures of the Church ; those
 Censures, when inflicted, are ratified in Heaven ; therefore,
 notwithstanding the Law of the Land hath given them this Ex-
 emption, let the Ecclesiastical Superiours do their Duty in thun-
 dering out their Anathema’s against them, and let any Power
 upon Earth dare to Reverse their Sentences if they can. As
 to the Power of the Church in Censuring or Excommunicating,
 it is not necessary for me to say any thing of it upon this Oc-
 casion : But the Doctor is a Minister of the Church of *Eng-
 land*, who hath submitted to the Queen’s Supremacy, and by the
 Canon is bound to maintain and preach the Queen’s Supremacy ;
 Her Majesty is Supreme over all Causes and over all Persons, as
 well Ecclesiastical as Civil ; and by an Act of Parliament made
 since Her Majesty’s happy Accession to the Crown, *viz.* the
 Act relating to Her Majesty’s Bounty for the Augmentation of
 the Maintenance of the poor Clergy, she is Owned and Recog-
 nized to be the only Supreme Head on Earth of the Church of
England ; Her Majesty hath by Law a Supreme controuling
 Power over all the Censures and Excommunications of the
 Church ; this Power she Exercises according to the Rules of
 Law, by her several Officers and Ministers of Justice. The
 Exercise of the Churches Censures, Jurisdiction and Power
 must be according to Law ; and if any Person be Excom-
 municated against Law, the Queen’s Courts may and will
 Command the Ecclesiastical Judge to assail such Excommuni-
 cated Person, and restore him to the Communion of the
 Church again : This is the Supremacy of the Queen, which
 is the Doctrine of the Church of *England* ; and by Vertue of
 this Supremacy, if any Judge of the Spiritual Court shall pre-
 tend to excommunicate any of the Dissenters for any thing
 which by Law they are not obliged to do, or which by Law
 they are excus’d, or exempted from, the Courts of Justice in
Westminster-Hall will in such Case award a Prohibition, and
 compel the Ecclesiastical Judge to absolve him. Suppose that
 notwithstanding the Toleration Act, a Dissenter should for not
 coming to the Church, be sentenced in the Spiritual Court by the
 Judge there, or be proceeded against there, in order to an Excom-
 munication ; a Prohibition will lye to that Judge from the Queen’s
 Courts upon the said Act, and the Courts of Common Law
 will prevent him from such Proceeding ; and if Sentence be
 past, will compel the Judge to annul the Excommunication,
 and

and receive the Party again. Now, for the Doctor to come and say, That, though the Dissenters are tolerated by this Act of Parliament, and though they are exempted by Law from Penalties, yet let the Law of the Land be what it will, let the Ecclesiastical Pastors do their Duty, let them fulminate their Excommunications, and thunder out their *Anathema's*, and let the Civil Magistrate, the Earthly Powers, dare to reverse them, if they can. I submit this to your Lordships, whether this is not directly impugning the Queen's Supremacy, as well as weakening and censuring the Toleration, which is what he is charged with in this Article.

My Lords, I will not take up more of your Lordships Time; there are other Gentlemen to come after me who will abundantly supply my Defects, and offer to your Lordships some farther Considerations to make out the Charge contained in the Second Article.

Lord William Pawlet. **M**Y Lords, The Charge against the Doctor in this Second Article is a Crime of a very heinous Nature: It has always been esteem'd one of the happy Consequences of the late Revolution, that her Majesty's Protestant Subjects, by a Legal Indulgence granted to Dissenters, were united in Interest and Affection, in the Defence of Her Majesty's Sacred Person and Government.

It is too well known, my Lords, how in former times, when Popery had almost prevail'd in the Ruin of our State and Church, the Protestants of the Kingdom were, by the Artifice of Papists, set against each other, that by such Divisions Popish Tyranny might be Established among us.

The Act of Parliament, made in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, to exempt Protestant Dissenters from the Church of *England* from the Penalties of certain Laws, was made to defeat any such future Attempts of the Papists; The Preamble of the Act declares, that *some Ease to scrupulous Consciences in the Exercise of Religion, may be an effectual Means to unite Her Majesty's Protestant Subjects in Interest and Affection.*

We have seen, my Lords, the good Effects of the Wisdom of the Legislature in making this Act, Her Majesty's Protestant Subjects are now all easie under Her Administration; and how many Dissenters have we seen, who since the Toleration are become sincere Converts to the Church. And I may say, that by this Toleration the Prejudices of the Dissenters in general wear off, and their Number daily decreases.

And yet with what odious Colours, and Language unbecoming a Divine, do's the Doctor paint out this Toleration, and how does he factiously endeavour to excite and stir up People against it?

'Tis, my Lords, a poor Shift which the Doctor makes in his Answer, that he knows of no Toleration granted by Law; and yet in the same Answer he owns there is an Indulgence which the Government hath condescended to give Dissenters. My Lords, The Word *Indulgence* is no more in the Act of Parliament than the Word *Toleration*; and it is well known that the Act of Parliament he alludes to is every where, not only in Courts of Justice, but even in Parliament, called *The Toleration Act*; and is frequently so called by your Lordships, in the Account of your Lordships Proceedings in Parliament in Relation to the Bill against *Occasional Conformity*, which Account was Published and Printed by your Lordships Order.

When the Doctor says, that he has not been able to inform himself that a Toleration hath been granted by Law, it plainly seems to import, as if the Doctor doubted of the Authority of the Parliament that made that Law; it looks like the common Sophistry of Papists and Jesuits, who pretend to own the Church of *England* as by Law Established; because they disown the Authority of all our Laws made since the Reformation.

My Lords, Her Majesty hath always been pleased graciously to declare She will defend this Toleration, and this Her Gracious Resolution has, among the innumerable Blessings of Her Reign, united all Her Protestant Subjects in their Loyalty and Duty to Her.

The Commons rest assured that your Lordships will always assist these Gracious Purposes of Her Majesty; and that as there can hardly be any Instance given of so Seditious and Barefaced an Attempt against the Peace and Quiet of the Kingdom, as the Doctor hath been guilty of, So your Lordships will, by an Exemplary Punishment suitable to so high a Crime, vindicate the Authority of Parliaments, and give an effectual Discouragement for the Future, to all such Turbulent and Seditious Preachers.

Mr. Cowper. I Think, my Lords, it is unnecessary at this time to urge all the Arguments which might be made use of, to justify the Reasonableness of the Toleration granted to Protestant Dissenters, by Exempting them from the Penalties of certain Laws. It may suffice to say, that this Indulgence is required from us as Christians, and as we are Men professing Humanity and good Will towards one another.

Whoever maintains, that the Toleration is unreasonable, and the Allowance of it unwarrantable, seems necessarily to assert, that the Exemption granted to her Majesty's Subjects, from the Penalties of former Laws, ought to be reassumed; unless we are to suppose, that it can be reasonable to allow what is unwarrantable.

This Assertion therefore evidently Arraigns the Act of Toleration, a Law now in being, a Law by which the People (throughout the whole Series of this dangerous War) have been more firmly United in Interest and Affection, than formerly; I mean, in the Days when the Penalties of those Laws were inflicted with intemperate Zeal.

My Lords, Before I proceed to make good the Charge contained in the Second Article of the Impeachment exhibited against the Prisoner by the Commons, I must beg leave to take notice of the Introduction to his Answer: It seems he cannot, upon the most diligent Enquiry, be able to inform himself, that a Toleration has been granted by Law. I take it, the Stat. 1 *Will.* and *Mar.* which exempts Dissenters from the Penalties of former Laws, amounts to a Legal Indulgence, or Grant of Liberty of Conscience; for by that Repeal a Liberty is given, which was before restrain'd, so that without Impropriety it may be said that Toleration is granted by Law. Doctor *Sacheverell* I find had rather it should be call'd an Exemption, for no other Reason, that I see, but because he has not said much, if any thing, of the Word *Exemption* in his Sermon, how free soever he has made with the Toleration.

Now taking it for granted, (as I think with Reason I may) that Indulgence, Toleration, or Exemption from Penalties, signifies one and the same thing, (especially as ordinarily made use of amongst us) Can any thing be more plain, than that many Passages in this Infamous Libel cast black and odious Reflections upon the Toleration? They have been all read, and for fear (after what has been already said) of being too tedious, I will mention one only. The Words are these,

What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to Accomplish. If the Church cannot be pulled down, it may be blown up; and no matter with these Men how it is destroy'd, so it is destroyed, &c.

Pray, my Lords, Is it reasonable to allow Toleration, or rather is not the Allowance of it unwarrantable, if it was the open and violent Means made use of to destroy the Church of *England*? And is not this a most uncharitable Censure, highly reflecting upon the Act of Toleration, and the Legislative Authority? Is not this maliciously and falsely Suggested, with a wicked and seditious Purpose, to create Jealousies and Misunderstandings amongst Her Majesty's People?

Comprehension and Toleration are represented as open Violence, Moderation and Occasional Conformity as secret Treachery, by which the Church may be blown up, tho' it could not be pulled down by the violent Means of Comprehension and Toleration.

I should waste too much Time unnecessarily, if I should take particular notice (after what has been already so well urged in Maintenance of the second Article) of all the Passages which seem to be equally liable to Censure.

The *Antithesis* throughout this Paragraph is so very plain, that I hope it is not one of those mentioned in the Doctor's Answer to carry a dubious Sense. The Prisoner seems to have taken care to explain himself, for fear his Meaning should have been doubtful; and therefore after having said,

What could not be gained by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; then he adds, that is, what they could not do by open Violence, they will not fail by Treachery to Accomplish.

Having thus inveighed against the Toleration, with much ill Nature and bitterness of Spirit, he is pleased in the next place to Assert, That he is a False Brother with relation to God, Religion, or the Church, who Defends it.

The Answer to this Branch of the second Article is long, and, as I apprehend, seems to be Evasive. First there is a Difference again taken, between Toleration and Liberty of Conscience, and an Exemption or Indulgence; and under this Distinction, which, for the Reasons I have mentioned, is a Distinction without a Difference, the Doctor takes the liberty to maintain and justify, that he is a False Brother who defends Toleration and Liberty of Conscience.

I must own he endeavours to Evade the Charge, by saying he means those only, who at the same time they defend Universal Toleration and Liberty of Conscience, do also excuse the Separation, and lay the Fault upon the True Sons of the Church, by carrying Matters too high.

Whatever he is pleased to say he meant, in Answer to this part of the Article, surely no such Meaning can be collected from his Sermon; throughout the whole Libel, I presume to say there is not one Word of Universal Toleration, or Universal Liberty of Conscience; this is another kind of Toleration, never heard of, till it was new Coined, in order to extenuate his vile and uncharitable Assertions.

Here he is pleased to sum up the modish *Criteria*s, as he terms them, of a true Church Man, in a figurative and ironical Manner, and plainly Asserts, they are the several Characteristics of a False Brother; amongst the rest, to defend Toleration is said to be one; and under pretence of Moderation to excuse their Separation (*i. e.*) of the Dissenters, of whom he had next before spoken, is another; and concludes the Paragraph with this pathetick Expression, *God deliver us all from such False Brethren.*

Having thus treated those who defend Toleration, his Superior Pastors are in the next place to be Admonished of their Duty

Duty, which is to Thunder out their Ecclesiastical Anathema's against the Persons entitled to legal Indulgence, which Anathema's are stiled Sentences ratified in Heaven, and such as no Power on Earth dare reverse.

Far be it from me to say, that Sentences ratified in Heaven can be Reversed by the Powers of this World. But if Doctor *Sacheverell* were a Superior Pastor, and should Anathematize, or, in plain *English*, Curse and Sentence all those who enjoy the Benefit of Toleration, to Damnation, he must excuse me, if I could not believe that such a Sentence would be Ratified in Heaven.

And as to any Ecclesiastical Censure not Ratified in Heaven, it is downright Insolence to say, there is no Power upon Earth that can Reverse it.

But since our Superior Pastors will exercise a truly Christian, and noble Spirit of Charity and Moderation, and indulge scrupulous Consciences, the Doctor is pleased however to bear his Testimony against it, and is not contented with delivering over to Satan those only who enjoy the Indulgence, but they who defend Toleration must also bear them Company.

His indeed is a very Comprehensive Anathema, and is conceived in these Words, *viz. And as he chose it in this World, appoints him in the next his Portion with Hypocrites and Unbelievers, with all Lyars, that have their part in the Lake, which burns with Fire and Brimstone, with the Grand Father of Falshood, the Devil and his Angels. And so here we leave our False Brethren, in the Company they always keep Correspondence with.*

This, my Lords, is a most dreadful Unchristian Sentence, a Sentence so Barbarous, so Astonishing, that I am at a loss to imagine, how it could enter into the Mind of Man to conceive it. 77

Perhaps, my Lords, it may be equally dangerous to defend the Ashes of the Venerable Prelate *Archbishop Grindall*; he, it seems, was a false Son of the Church, and a perfidious Prelate, because he deluded Queen *Elizabeth* to a Toleration of the *Genevian* Discipline; here we may observe the Doctor's great Aversion to all kind of Toleration.

Methinks, for the sake of the Reformation, better Language should have been given, and more decent Expressions should have been bestowed, upon a Man we all know bore so considerable a part in the Establishment of it.

Here likewise we may observe the Doctor's Inclination to wholesome Severities, such as Queen *Elizabeth* made use of, which were such as I hope will never be seen more in this Kingdom; and by the way, what a Spirit is this Man of, who can find nothing to commend in the Reign of that Glorious Queen, but the blackest and worst part of it?

I cannot agree, that these harsh Expressions, as the Answer owns they are, are the rather to be excused, because the Remains of the Archbishop were so long since deposited, especially when we consider that his Memory has been had in the highest Esteem and Veneration by all the Reformed Churches in Christendom, from that Time down to the fifth Day of *November* last.

For my own part, I think it very Immoral to cast Reflections upon the Dead, how ill soever they may have deserved from us; and the longer a Man has been so, in my Opinion, rather aggravates than lessens the Immorality.

I am free to own, he whose Morals will permit him to reflect upon the Departed, is not therefore to be Impeached for it, as for an High Crime and Misdemeanor; but that is not the present Case. Archbishop *Grindall* is thus severely treated upon a Supposition he deluded the Queen to a Toleration; and all the hard Words which are falsely and unreasonably bestowed upon him, are evidently levelled at the present Toleration, and designed maliciously to Asperse and Traduce it, by representing it as injurious to the Character of all concern'd it, dangerous to Her Majesty, and destructive to the Constitution both in Church and State.

By these Means, my Lords, and others (if possible worse than these) one part of the People, through groundless Fear and Jealousy, unreasonably and maliciously instilled, are to be stirred up to Arms and Violence; others, upon the Peril of Damnation, are not so much as to utter one Word in Defence of Toleration; whilst the third and last part are to have the Doctor's wholesome Severities executed upon them.

My Lords, 'Tis too notorious that this Incendiary, for so the Articles of the Commons of *Great Britain* have called him, has already stirred up unaccountable Feuds and Quarrels throughout the Nation; the Commons are too sensible of it, and have therefore brought the Offender before your Lordships in Justice and in Judgment.

Many are the Seeds of Sedition which he has Sown, and the Fruit to be expected is Civil Discord and Confusion, unless some Remedy shall be applied to prevent it.

The Commons, for Her Majesty's Safety, and for the Security of the Constitution, have thought it absolutely necessary to bring him to answer for these high Crimes and Misdemeanors before your Lordships Tribunal, conceiving his Offences to be of so Exorbitant a Nature, that they deserve the Solemnity of this Proceeding.

And then the Lords Adjourned to their House above.

Wednesday,

Wednesday, March 1. The Third Day.

THE Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, came forth, save thee and they Bail, else thou forfeitest they Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before:

Lord Chancellor. Gentlemen of the House of Commons, you may proceed in your Evidence.

Mr. Thomson. MY Lords, Your Lordships having heard what has been produced in Maintenance of the two first Articles of this Impeachment, I shall take the Liberty to proceed, and endeavour to discharge the Trust reposed in me by the Commons, to support the third Article, and the Accusations contained in it. I will not waste your Lordships Time by making any Apology for my Inabilities, and being unequal to this Undertaking, not doubting but that I shall find from your Lordships a candid Interpretation of whatever I shall offer upon this Occasion.

This Article, my Lords, is founded on a Vote or Resolution of your Lordships, and the Commons, in Parliament assembled, which is recited in the Preamble of these Articles, and the Occasion of which it may be necessary to mention to your Lordships. It was some few Years ago that there were many scandalous and seditious Rumours spread abroad, of the Danger of the Church of *England*, as Established by Law. There were several Libels dispersed over the Kingdom, reviling Her Majesty's Administration in Church and State; and among the rest, one intitled, *The Memorial of the Church of England*. Her Majesty was pleased to take notice of these seditious Reports from Her Throne to the Parliament; and thereupon your Lordships and the Commons, on the 17th of *December* 1705, came to the Vote or Resolution mentioned in the Preamble, and an Address which is recited to this effect, "That
" your Lordships, and the Commons, in Parliament assembled,
" did address and lay before Her Majesty a Vote or
" Resolution, That the Church of *England*, as established by
" Law, and which was rescued from the extreamest Danger
" by his late Majesty, of glorious Memory, was by God's Blessing,
" sing, under Her Majesty in a safe and flourishing Condition;
and

“ and that whoever should go about to suggest and insinuate that
 “ the Church is in Danger under Her Majesty’s Administration,
 “ is an Enemy to the Queen, the Church, and the Kingdom.
 “ And that your Lordships, and the Commons, by their said
 “ Address, did humbly beseech Her Majesty to make the said
 “ Vote or Resolution publick, and to take effectual Measures
 “ for the punishing the Authors and Spreaders of such ma-
 “ licious and seditious Reports: And that on the 20th of the
 “ same *December* Her Majesty was pleased to issue Her Royal
 “ Proclamation accordingly.

Now, my Lords, this Article charges, “ That in Opposi-
 “ tion to, and Defiance of, and in order to arraign and blac-
 “ ken that Vote or Resolution, *Doctor Sackeverell*, in his Ser-
 “ mon preached at *St. Paul’s*, does suggest and assert the Church
 “ of *England* to be in a Condition of great Peril and Adverfi-
 “ ty under Her Majesty’s Administration. The Article further
 says, “ That he wickedly and maliciously insinuates, That the
 “ Members of Parliament, who passed that Resolution, were
 “ themselves conspiring the Ruin of the Church, which they
 “ voted to be out of Danger: And this by way of Parallel or
 “ Allusion to that Assembly who voted the Person of King
 “ *Charles* the First to be out of Danger at the same time when
 “ they were conspiring his Destruction.

My Lords, I will now do the Doctor the Justice to take no-
 tice of what he says in his Answer, and alledges as his Justifi-
 cation. He denies that he asserts the Church to be in Danger,
 under Her Majesty’s Administration: Or otherwise than from
 Vice and Infidelity, Blasphemy and Prophaneness. And as to
 the Parallel in the Vote, and the Insinuation of the Members
 conspiring the Ruin of the Church, he says he never mentions
 that Vote, nor did he design the Parallel as laid to his Charge;
 he only meant, that while some Men were conspiring the
 Death of the King, others, not privy to this Design, voted
 him out of Danger; so though the Members voted the Church
 to be out of Danger, yet others were conspiring against the
 Church, and by their Vice and Infidelity were drawing down
 Vengeance on the Church and Kingdom: And as to that
 Vote, made four Years ago, he says it concerns only those
 who did then insinuate the Church of *England* to be in Dan-
 ger under Her Majesty’s Administration.

Now, my Lords, having stated the Charge, and the Defence,
 I shall proceed to acquaint your Lordships with the several Pas-
 sages of the Sermon, which the Commons apprehend will make
 out their Accusation. And here, my Lords, I shall take leave
 to say, that no strained or forced Constructions can be desired
 by the Commons, or expected from your Lordships, or any In-
 ferences to be deduced, but what naturally arise from a fair,
 impartial, and candid Interpretation.

My Lords, the first Passage which the Commons apprehend is for their Purpose is in the 5th Page; the Doctor, just before, enumerates St. *Paul's* Misfortunes that befel him, while he was propagating the Gospel, and says, " There is a very observable Gradation in his Sufferings, but that, of all his Calamities, the highest of them proceeded from false Brethren: And taking Notice of the Condition of the Church of *Corinth*, then follows these Words; " Tho' it were very obvious to draw " a Parallel here betwixt the said Circumstances of the Church " of *Corinth* formerly, and of the Church of *England* at present, wherein her Holy Communion has been rent and divided by factious and schismatical Impostors, her pure Doctrine has been corrupted and defiled, her Primitive Worship and Discipline prophaned and abused, her Sacred Orders denied and vilified, her Priests and Professors, (like St. *Paul*) calumniated, misrepresented and ridiculed, her Altars and Sacraments prostituted to Hypocrites, Deists, Socinians and Atheists; and this done, I wish I could not say, without Discouragement, I am sure with Impunity, not only by our professed Enemies, but, which is worse, by our pretended Friends, and False Brethren.

It may be observed, that the Doctor is very free in his Parallels, and when either Church or State is to be represented by Comparisons he is pleased to make use of the worst he can find. He says the Church of *Corinth* was in the utmost of Perils, and then it was to his Purpose to make the Allusion, and bring the Church of *England* into the same Condition.

Here are many Particulars in this Passage, whereby the Church is said to be in sad Circumstances, and I cannot tell how to apply them according to the Doctor's Way of Interpretation; for he says all these Enormities are practised, not without Discouragement, and with Impunity; not by professed Enemies, but by False Brethren; so he plainly shows who he aims at as the Authors of these Calamities: He excludes vicious Infidels, Blasphemers and Hereticks, who are professed Enemies, and lays it upon False Brethren; and he explains what sort of False Brethren he means; For who can prostitute Altars and Sacraments to Deists, Atheists, and Socinians, but some of his own Order? And who are to punish such Offences among the Clergy, but their Spiritual Superiors? And whether they are not Part of Her Majesty's Administration, I submit to your Lordships.

But, my Lords, supposing the Fact to be true, That there are erroneous Doctrines published, to what end must the World be told in this Manner, that they are vented with Impunity, but to reflect on those who should punish them; and can that be done without a Prosecution? If the Doctor had produced any of his undeniable and ample Proofs of these Matters, (which he mentions in his Answer) before any Court that had

had a proper Contenance of them, and been denied Justice, he might have had more Reason for Complaint; but to blame his Superiors for not punishing what they might be ignorant of, and which he says he was not (and for which he might have promoted a Prosecution) seems to retort the Guilt upon himself, which he would lay upon them.

My Lords, The second Passage is in Page the 16th. He is talking of a Comprehension which was designed, not long since, to unite the Church and Dissenters, and complains of the Persons who were concerned in that heinous Intention; and then he asserts, "That since this Model of an universal Liberty and Coalition failed, and these False Brethren could not carry the Conventicle into the Church, they are now resolved to bring the Church into the Conventicle, which will more plausibly and slyly effect her Ruin. What could not be gain'd by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish: If the Church can't be pull'd down, it may be blown up; and no Matter, with these Men, how it be destroy'd, so that 'tis destroy'd." Now, my Lords, who were these False Brethren that were concern'd in this Design of Comprehension, which fail'd, and who introduce worse Mischiefs? Do these Dangers proceed from Vice and Infidelity, from Blasphemy, and erroneous Doctrines? No, my Lords, these False Brethren are described in the Page before, under his second General Head, to be in Church and State, which must be Persons in Power and Authority; the Expression itself imports it, nor could they otherwise be capable of accomplishing that Design of uniting the Dissenters and the Church; to which Design, and the Authors who intended it, he is pleased to give the most vile and scurrilous Names imaginable, and afterwards he lays to their Charge an Intention to blow up the Church by Moderation: And this, I suppose, is one of the Vices which the Doctor mentions in his Answer, as one Means of Danger to the Church. If Moderation be a Vice, I will do the Doctor the Justice to acquit him from the least Tincture of it, in any of his Works that I have ever met with.

My Lords, The third Passage is in Page the 18th: He is continuing his Observations of the Danger from the same False Brethren in Church and State, and then his Words are; "Falseness always implies Treachery; and whether that is a Qualification for any one to be trusted, especially with the Guardianship of our Church or Crown, let our Governors consider. This, my Lords, must relate to Persons, who, as he would insinuate, are not fit to be trusted with the Guardianship of the Church or Crown; and whether this Reflection does not seem

seem to aim higher than the Administration, I submit to your Lordships.

The next Passage is Page the 20th. The Words are these,
 “ And now are we under no Danger in these deplorable Cir-
 “ cumstances? Must we lull our selves under this sad Repose,
 “ and in such a stupid Lethargick Security embrace our Ruin?
 “ When *Elisha*, the great Prophet of God, was surrounded
 “ with an Host of Enemies that sought for his Life, his blind
 “ Servant beheld not the Peril his Master was in, ’till his Eyes
 “ were opened by a Miracle, and he found himself in the midst
 “ of Horses and Chariots of Fire. I pray God we be out of
 “ Danger; but we may remember that the King’s Person was
 “ voted to be so, at the same time that his Murtherers were
 “ conspiring his Death.

Now, my Lords, the Doctor, to excuse this Passage, says, the deplorable Circumstances we are in proceeds from the Maturity of National Sins, &c. as in his Answer. But who are mention’d in his Sermon as the Occasion of the Maturity of National Sins but the Dissenters, who, he says, are plotting the Ruin of the Church, and False Brethren join with them; so that here neither is the Danger asserted from Vice and Infidelity, but as it is occasioned by the Dissention from the Church, which the Law has thought fit to apprehended as no Danger to the Church; and therefore it did not become him to assert the contrary: Then as to the Parallel of the Assembly who Voted King *Charles* the First out of Danger, and of the Members who made the Vote about the Danger of the Church four Yeas ago, he says, he meant no Reflection on any of the Members who passed that Vote, because he never mentioned that Vote; and as to the Vote about King *Charles*, others were conspiring his Ruin than those who voted him out of Danger; so while the Parliament voted the Church out of Danger, there were other Enemies conspiring her Ruin. If the Doctor intended no Reflection upon that Vote, why was Voting in any Case mention’d? Can any one imagine that the Doctor did not know of that Vote, since the Danger of the Church is so much his Topic? Nor can I presume him ignorant of the Time when that Vote about King *Charles* was pass’d, which, as far as I can observe from the History of that Time, was in *November* 1648. that he was voted out of Danger; and when he was Try’d and Beheaded, I need not mention to your Lordships: And whatever Alteration might be made in that Assembly after the Vote, and before his Death, was done by those Persons who conspir’d his Destruction, and who were part of that Assembly who voted him out of Danger; so that it seems plain, that the Vote of Safety, and the Conspiracy of Ruin, came from most of the same Persons; and it does not seem very strange to suppose the Doctor intended his Allusion in the same manner.

And

And as to the Scripture he quotes to this Purpose, "That the blind Servant beheld not the Peril his Master *Elifha* was in, 'till his Eyes were open'd by Miracle, and he found himself in the midst of Horses and Chariots of Fire." My Lords, these Horses and Chariots of Fire were not the Prophet's Enemies, but his Friends, nor was there any Danger to be feared from them, on the contrary, they were a Security from his Enemies; So that he plainly perverts the Sense of that Text to make a stronger Impression, and more effectually to delude the People.

My Lords, The last Passage is in the last Page, he is still talking of the Danger of the Church, and quotes a Text as in the *Lamentations*, (viz.) "Tho' she lies bleeding of the Wounds she received in the House of her Friends." Indeed, my Lords, I can't find it there, therefore it seems to me to be a Lamentation of the Doctor's own making; then he goes on, "Tho' the ways of *Sion* may mourn for a time, and her Gates be desolate, her Priests sigh, and she in Bitterness, because her Adversaries are Chief, and her Enemies at present prosper; tho' among all her Lovers she has few to comfort her, and many of her Friends have dealt treacherously with her, and are become her Enemies. My Lords, I mention these Passages only to show, that the Doctor, by the most Pathetick Expressions of his own, mixt with these Texts of Scripture, endeavours to represent the Church of *England* to be in the utmost Danger.

I shall trouble your Lordships no further with the Passages in this Sermon; but should not omit to take notice, that there is a Suggestion in the Doctor's Answer, that the Vote four Years ago did not concern him, but that it related only to them that then did assert the Church to be in Danger; if he had minded the Words of the Vote, he would have found there was no Pretence for that Objection, for it is, "Whoever shall go about to insinuate, that the Church is in Danger under her Majesty's Administration; which must relate to any Time during the Continuance of her Majesty's Reign.

And now, my Lords, I beg leave to observe some Circumstances attending this Offence, which give it the highest Aggravation. That Memorial which was published some Years ago, and was the chief Occasion of the Vote in Parliament, was a Libel that Reviled her Majesty and her Administration, as the Occasion of the Danger of the Church. The Author was pleased to conceal himself, and durst not avow his Doctrine; but the Book had the Fate it deserv'd; and from the Ashes of that Phoenix arose another Memorial, with many of the same virulent Expressions against her Majesty's Administration, agreeing in the whole Scope of it, as to the same scandalous Purpose, but far exceeding it in Malice and Inveteracy.

And

And this new Memorialist has presum'd to publish his Seditious Reflections in the most open manner imaginable, first at the Assizes at *Derby*, and afterwards in the great Church of this Metropolis; and has thought fit to Print and Disperse about Forty Thousand of them over the Kingdom: From whence could this extraordinary Zeal proceed? Was it to exhort Men to revere their Governours, and to submit to those in Authority over them? Was it intended to preserve Peace and Goodwill amongst Men? To promote Charity, Brotherly-Love and Affection? No, my Lords, there is plain Evidence to the contrary. *Ex ore suo judicabitur*. He tells you the Reason of his Topicks in that place; he says, he intended "To open the Eyes of the deluded People in that great Metropolis, to set the Rich and Powerful Inhabitants right in their Notions of Government in Church and State." They were obliged to him for his pious Design, and for instilling those Doctrines, which, as your Lordships were told Yesterday, would make their Religion, Liberty, Property, and all that is dear and valuable, Precarious: He tells you further, "That our Constitution of Church and State is vigorously attack'd from without, and lazily defended from within; that there are Attempts upon the Friends of the Church to shut their Eyes and Mouths, in order to Undermine and Destroy them; that he thinks the Pulpit a proper Place for Politicks, and that it is the Business of a Clergy-man to sound a Trumpet in *Sion*, to cry aloud and spare not. And in his Preface to the *Derby* Sermon he explains himself still further upon this Topick, "That the Church is shamefully betrayed and run down, That there are some still who will defend it with their Lives and Fortunes: And states the Case as if there was an immediate Necessity to take up Arms for a Holy War upon this Occasion.

My Lords, This Crime is more heinous, for that there is the least Reason for these Seditious Murmurs, that has been in any Reign whatever; Is there any Invasion or Attempt upon the Liturgy, even the least Ceremony of the Church, or any part of the Ecclesiastical Constitution? Are her Revenues impair'd, or any of her Temporal Rights violated? No, my Lords, but our Royal Sovereign has distinguish'd Her Care for this Church in a more peculiar manner than any of her Predecessors, She has given from Her own Revenue to increase that of the Clergy for their more creditable Support, and to enable them to Preach sound Doctrine for the Welfare of her Subjects; nor is Her Majesty wanting to promote Religion, Piety and Virtue, by Her own Royal Example, the most effectual Encouragement. These are the true Basis of the Church, and the best Pillars to support it. And what Occasion was there for these Reflections on Her Majesty's Administration? Has not

not that venerable Bench given the World abundant Proof of their Care and Vigilance to preserve that Church, of which they are the Guardians, by their Learning and unblamable Conduct, by their Zealous and Resolute Defence of Her in in the worst of Times, and against all her Enemies: It is very surprizing that a Gentleman, whose Education has been in the Fountain of Learning and Religion so many Years (who cannot be presumed to err through Ignorance) that he should presume in his private Capacity to contradict the Sense of the whole Nation, and cast such Aspersions on his Superiors: To what End could he so zealously disperse his Notions, if not to animate a deluded People to the Execution of Seditious Designs?

It were to be wished, that a Government could be supported by Mildness and Clemency; but such is the State of depraved Nature, even these most Passive-Obedience Natures, that they are not contented to be only ungrateful for the Benefits they enjoy from the Church and State, but they must Rebel against Principle, and fly in the Face of that Government from which they receive their Support and Protection.

The Doctor cries aloud, and there are many others that spare not; some have presumed to Censure this very Proceeding before your Lordships, as a Persecution of the Church; And what must be the Consequence of Tolerating such bold daring Spirits to go on in their Seditious Practices!

cc If your Lordships do not vindicate your own Resolutions, and exert your Power and Authority to Suppress that Audacious and Unparallel'd Insolence that daily flies abroad from the Pulpit and the Press (which, as the Doctor says truly, are become the Mints of Faction and Sedition) I may take leave to say, there will be too much Reason for his Assertions of Danger both to Church and State: But the Commons are so well satisfied of your Lordships true Concern for the Preservation of our Constitution, that they cannot imagine you will suffer any Attempts that may be Pernicious to the Welfare of the Government to pass without condign Punishment; and therefore they entirely rely on your Lordships Wisdom and Justice.

Mr. Compton. **M**AY it please your Lordships, I am Com-manded by the Commons to assist in maintaining the third Article of their Impeachment against Doctor *Henry Sacheverell*, which has been fully opened to your Lordships by the Learned Gentleman that spoke before me.

My Lords, the Commons think they have good Reason to assert, that *Dr. Sacheverell*, in his Sermon Preach'd at *St. Paul's*, doth falsely and maliciously Contradict and Arraign a Resolution of both Houses of Parliament, approv'd of by Her Majesty, and made publick by Her Royal Proclamation.

My Lords, Your Lordships cannot but have observ'd, that it has been one of the constant Artifices of the Enemies of the present happy Establishment, who very well know the just Value the People of this Nation have for the Establish'd Church, to Suggest and Insinuate, that this Church is in a Condition of great Peril and Adversity, in order to foment Animosities, and to cover Designs which they dare not publicly own. But how frequent soever this has been, I believe I may safely affirm, that this Scandalous and Seditious Assertion was never so boldly maintain'd, nor with such invidious and aggravating Circumstances, as by the Criminal at your Lordships Bar.

The Learned Society, of which he is a Member, reap'd such signal, such immediate Advantages from the Revolution, that he cou'd not be unmindful, he cou'd not be ignorant of the extreme Danger from which our Laws and Liberties, our Church and Constitution were Rescued by his late Majesty; but such is his Ingratitude to our great Deliverer, such is his Inveteracy to the Revolution, that he makes that very Revolution the Period of Time from whence the Enemies of our Church first had Hopes to deliver her up to her worst Adversaries; nor does his Malignity cease there, but he endeavours to perswade the People, that from the Revolution to the present Time, there has been a continued Series of Contrivances to Ruin and Destroy the Church, at the Revolution, by open Violence, but *Now*, that is, under Her Majesty's Administration, by *secret Treachery*; and since neither the late nor the present Reign can escape his Invectives, for what Person he reserves his Panegyrics, is submitted to your Lordships to determine.

My Lords, I wou'd not take up any of your Lordships Time unnecessarily, but I must not conclude, without expressing the Indignation the Commons have at his traducing and vilifying the last Parliament, by that odious Parallel in the 21st Page of his Sermon preach'd at St. Paul's.

My Lords, the Parliament he thus endeavours to blacken, was opened with so full an Appearance in both Houses, that Her Majesty observ'd it with Satisfaction from the Throne; and at the same Time Her Majesty with Grief observ'd the Malice of such Persons, who Suggested the Church was in Danger, and desir'd the Assistance of Her Parliament to Discountenance and Defeat such Practices; and in Duty to Her Majesty, to secure the Quiet and Peace of the Kingdom, and to disappoint the Designs of the Enemies of our Church and Constitution, both Houses of Parliament came to the Resolution, set forth by the Commons in the Articles of the Impeachment which have been read to your Lordships: And the same Parliament proceeded in this and other Matters, which were before them, with so much Vigour, as well as Prudence, that in

less than six Weeks Her Majesty graciously took Notice, that their Proceedings had had a good Effect all over *Europe*: And at the Conclusion of the Session, Her Majesty, with great Goodness, declares how much She was pleased to observe their Unanimity and Zeal throughout the whole Session against every thing that tended to Sedition. It was this Parliament that so chearfully concurr'd with Her Majesty in promoting and completing the Union of the two Kingdoms: And, it was the Gentlemen that compos'd this Parliament, join'd by the Representative of the other Part of the United Kingdom, who readily and unanimously assisted Her Majesty in disappointing the Attempt of the Pretender to Her Crown, whose chief Dependance was in the Restless and Arbitrary Principles of some of Her Majesty's Subjects, ill-affected to their Country.

And now, my Lords, is there any Ground to compare the dutiful Proceedings of such a Parliament, with what was done in those unhappy Times, with which he wou'd maliciously draw a Parallel? No, my Lords; and I may safely venture to say, that it is impossible to find the least Resemblance between Her Majesty's glorious Reign, and that unfortunate Administration,

Clar. Hist. of the Re- bel. V. 2. P. 18. except that there were then, as there are now, *Ministers of the Church, who, by their Function, being Messengers of Peace, set up to be the Trumpets of Sedition, and Incendiaries to Rebellion.* But, my Lords, the

Commons hope, That the happy Period is now come, when even this Resemblance shall have its Determination; for they cc entirely rely on your Lordships Justice to inflict such an Exemplary Punishment on this Offender, as may deter others from endeavouring to distract the Kingdom with such groundless Distrusts and Jealousies for the future.

Lord Coningsby. MY Lords, I am commanded by the Commons of *Great Britain* to assist, and endeavour to make good the important Charge they have exhibited against the Criminal at the Bar: And because I am least able, amongst all the Gentlemen that have that Honour, out of Indulgence to me I am assign'd to the third Article, that wants least to be supported.

The Sermon preach'd by the Doctor at *St Paul's*, and which has been read to your Lordships, from the first Word in the Title Page, to the last Line in the Conclusion, is one false, malicious, and seditious Assertion, That the Church of *England* was, under the last Reign, and is under the present, in the utmost Peril and Danger.

The Proclamation which your Lordships have heard mention'd, and which was design'd by our glorious Queen, from whose Speech it took its Rise, by your Lordships, and the Commons who concurr'd in it, to be a Warning to such Incendiaries,

ries, as the Criminal, not to trumpet amongst the People Suggestions so seditious, in order to cover Designs more dangerous, and which, God be praised, they are not yet strong enough, nor never I hope will be, Publickly to own, shews this Malignant Offender committed this Offence in Defiance of Her Majesty, your Lordships, and the Commons.

The Proofs, which almost every Gentleman has brought to the two preceding Articles; and those particular Instances, that have so fully been open'd by these Gentlemen, who have spoke before me to the present, shews that it would be vain in me, and mispending your Lordships Time, to pretend to enforce those Points, already so fully made good.

I shall therefore very shortly, though I hope very plainly, lay before your Lordships what are those pernicious Designs the Doctor intends to cover, and at last hopes to bring to pass, by his Preaching, Printing, and Publishing, not only round this Kingdom, but amongst his Friends on the other side of the Water, this seditious, I may say, rebellious Discourse, for which he stands at present Impeached by the Commons.

And as it has been shewn your Lordships, by the Gentlemen that made good the first Article, that the Doctor, by reflecting on the Necessary Means to bring about the Revolution, the Foundation on which our present happy Establishment is built, by asserting that her Majesty ought to depend on no other Title to the Crown but Her Hereditary one, design'd by such destructive Positions, to bring back the Pretender, with Popery, and *French* Tyranny attending him, to govern the State.

So it is as plain, from the whole Scope of his Sermon, that the Doctor, and all those in Combination with him, have nothing more at Heart than to destroy the present Church, as Establish'd by the wholesome Laws of this Land, and that because it's most consonant in its Doctrine and Discipline to that of the Primitive Christians of any since the Time of the Apostles; and consequently less agreeable with the flaming Opinions of such Firebrands, who know not what Spirit they are of: And this in order to set up a Scheme of a Church, agreeable to the Tyrannical one they have projected for the State. A Church, the Doctor's I mean, tho' in Pretence Protestant, that will be ready soon to be turn'd into a Monster, by adding to it self a Popish Head.

A Church that will destroy all those that brought about, and have since supported, the Happy Revolution.

A Church, which, upon Anti-Christian Principles, professes Burning for Conscience-sake; which the Doctor, like those wicked Men, whose Mercies are cruel, calls wholesome Severities.

A Church, that will turn all the Blessings we enjoy under the present Administration, into all those Miseries we got rid of by the late glorious Revolution.

cc I cannot doubt therefore, but your Lordships will, out of Duty to the best of Queens, and in Justice to your Lordships and the Commons, deter others from ever being guilty of the like Heinous Offence.

Mr. Dolben. MY Lords, This Article of the Commons Impeachment contains one Criminal Position, That the Church of England is now in a Condition of great Peril and Danger under her Majesty's Administration, aggravated by an odious Parallel that affords a pregnant Proof of the true Spirit and Designs of this bold Offender.

The Accusation has already been fully made out by plain and positive Words in his Sermon, from which, as well as from many other Passages, I shall beg leave to submit to your Lordships Judgment, whether that wicked Parallel may not justly be turn'd upon him, whether there is not more than Suspicion that he, and all his Abettors, are conspiring the Ruin and Destruction of the Church, when under the Disguise of a False Zeal they prostitute her Sacred Name, to carry on dark and deep Designs, fatal both to Church and State.

I shall only briefly take notice to your Lordships, that the Guilt of this Offence arises from a plain Contempt of Her Majesty's Proclamation, and of the Resolutions of both Houses of Parliament, moved by no Inducement, but an Eagerness and Industry not to let any Shadow or Colour escape that may contribute to his Part in the grand Design, to be only effected by fomenting Divisions and Distractions amongst us.

But, my Lords, in order to unvail the Doctor's Pretences, and to take away his trivial Excuses, I beg leave to represent to your Lordships, that if the whole Legislature had not, from a full Conviction of the Church's Security and Safety, laid a severe Injunction against the Publishing such a false and pernicious Suggestion, yet evident Truth ought to have taught him not to have transgress'd in so notorious a manner.

My Lords, When it appears that the Church has the Sanction of so many and so good Laws to establish and defend it, when the Veneration and Devotion to it, of so great a Majority of the People, is so visibly fix'd in their Hearts, that the bad Examples and provoking Behaviour of this False Brother, and of several others of the same Stamp, have not made the least Abatement or Impression to its Disadvantage; when the Parliament on all occasions appears so forward and unanimous in their Zeal and Affection for it; when 'tis recommended and illustrated by the Learning, Piety, Wisdom, Charity, and Christian Moderation, of so many of its chief Pastors; but above all, when 'tis under the Protection and Government of a Supreme Head, a true and constant Defender of its Faith and Discipline, who having already exposed Her Royal Person to Hardships and Danger, to
rescue

rescue it in a time of its utmost Peril, does continue daily to manifest the same Devotion, Piety, and tender Concern for it: Under this powerful Alliance for its Support, can ought but Malice and Envy at its Prosperity, can any one but an incendiary or disguis'd Enemy insinuate, that the Church of *England* is not fenced and fortified with an impregnable Barrier against all Danger, from open Attacks or Violations?

'Tis true indeed, my Lords, that no humane Care or Policy can prevent the Attempts and secret Conspiracies of intestine Traitors. Vipers in the Bosom may sting, tho' the Body be covered with the strongest Armour. All that can be done is, to be watchful to discover and expose the Hypocrite, to detect and punish his Crimes. The Commons, on this Occasion, are here exerting their part of this Duty, fully assured of Success from your Lordships equal Zeal and Justice.

My Lords, You have now brought to your Bar a Clergy-man, bound, by the strongest Ties and Duty of his Function, to instruct and Propagate the necessary Means for the Peoples true Happiness in this World, as well as the next; yet your Lordships will find him proved to be a Trumpeter itinerant of Sedition and Rebellion, first at *Derby*, then in *London*; an Agent detached from that dark Cabal, whose Emissaries appear in all Shapes, and almost in all Places; an Asserter of such pestilential and unparallel'd Doctrines, as at once overthrow the whole Constitution both of Church and State. He may perhaps urge a Precedent in which it has been pleaded, and from the Pulpit, that an urgent Necessity can justify the Breach of Laws; and from others, that in particular Cases they may be dispensed with; but this Gentleman must be allowed the Infamy, to have stretch'd and improv'd those pernicious Tenets to the exalted height of making all our Laws, Liberties, Religion, and Lives, held only at the precarious Pleasure of any bold Invader; for nothing can be a plainer Exposition or Consequence, when 'tis taught, that no Oppression, no Violation can justify an Opposition to it.

My Lords, The Commons have brought this Offender before you, with a view, not only to detect and punish his Offence, but to obtain an Occasion, in the most Publick and Authentick manner, to avow the Principles, and justify the Means, upon which the present Government and the Protestant Succession are Founded and Established, and this more out of a generous Concern for Posterity, than for our own present Security. My Lords, we are so happy as to have a Sovereign on the Throne, whose Goodness, Justice, and Piety, leaves no room for the least Fear or Jealousie; but we hope the Record of this Proceeding will remain a lasting Monument, to deter a Successor, that may inherit her Crowns, but not her Virtues, from attempting to invade the Laws, or the Peoples Rights; and

if not, that it will be a noble Precedent to excite our Posterity to wrestle and tug for Liberty, as we have done. My Lords, I doubt not but Her Majesty will, with the greatest Satisfaction, see the Government thus put upon a right and equal Foot, since thereby those Blessings will be secured to future Ages, which her happy Reign has planted amongst us, since thereby she will intail a lasting Felicity on her People, and prevent those real Dangers both to Church and State which at this time are so falsely insinuated. But, my Lords, if this should not now be effectually obtain'd, and by such wholsom Severities as the Doctor applauds and recommends, give me leave to conclude, with a juster Complaint than that in his Answer, That hard is the Fate of that People who after having been twenty Years in War, in Conjunction with so many great Allies, with the Expence of so much Blood and Treasure, contending only against Tyranny and Oppression, and which we may justly hope is at last subdued, shall then see all *Europe* enjoy the Fruits and Benefits of our Labours; and at the same time, tho' Her Majesty's well chosen General shall at last bring home Peace, as he has so often the Lawrels of Victory, to lay with humble Duty at Her Royal Feet, yet we, only we, must be rendred incapable of the common Blessing, *betrayed at home to a perpetual Condition of Bondage, by such false Brethren as are at your Lordships Bar.*

Then the Lord *Haversham* moved to Adjourn to their House above; and being returned, and seated as before, Proclamation for Silence was made by the Serjeant at Arms.

Lord Chancellor. Mr. *Dolben*, the Lords have taken Notice that at the Conclusion of what you spoke you us'd this Expression, * *as are at your Lordships Bar*; which Words are so general, that their Lordships are of an Opinion they want an Explanation.

Mr. *Dolben*. My Lords, those Words had relation only to the Prisoner *at the Bar*.

Serjeant Parker. MY Lords, Your Lordships have heard the three first Articles of this Charge largely spoken to; it is my Duty, in Obedience to the Command I have been Honoured with by the Commons, to make good the Charges in the fourth. I am sensible how unequal I am to such a Work, both from my want of Capacity, and my present Indisposition; but however, in such manner as I can, I shall endeavour it.

This

* Exception had been taken, that the Word *are* might carry the Reflection to the Council and Solicitor assigned by the Lords to assist Dr. Sacheverell, who were also at the Bar.

This Article sets forth, that *He the said Henry Sacheverell, in his said Sermon and Books, does falsely and maliciously Suggest, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; and that there are Men of Characters and Stations both in Church and State who are false Brethren, and do themselves weaken, undermine and betray, and do encourage and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment: And chargeth Her Majesty, and those in Authority under Her, with a general Male-Administration; and as a publick Incendiary, he perswades Her Majesty's Subjects to keep up a Distinction of Factions and Parties, instills groundless Jealousies, and foment destructive Divisions among 'em, and excites and stirs 'em up to Arms and Violence: And, that his said Malicious and Seditious Suggestions may make the stronger Impressions upon the Minds of Her Majesty's Subjects, he the said Henry Sacheverell does wickedly wrest and pervert divers Texts and Passages of Holy Scripture.*

This Article in general, is a Charge of Sedition under several Aggravations, and made good by almost every part of the Sermon and Dedications, read before your Lordships in Evidence.

The avow'd Design of the Sermon, is to represent the extreme Perils and Distresses of the Church and Constitution from False Brethren, that are *in the Administration, and countenanc'd by it.*

He represents the Church, in the utmost Extremity, those Fences broken down, without which she is naked and unguarded, her Altars and Sacraments prostituted, her self deserted, betray'd, undermin'd, and persecuted with open Violence, bleeding of her Wounds, her Enemies openly calling for her Destruction.

The Nation, sunk into the lowest degree of Corruption, swarming and over-run with Atheists, Deists, Socinians, Hypocrites, Villains, Rebels, Traytors, Correspondents with the Devil, nay, with Men that are themselves the worst of Demons.

The Government, so far from applying a Remedy, that all this is done Openly, with Impunity, without Discouragement: Nay, the Persons from whom the Mischiefs arise, are suffer'd to form themselves into Seminaries, to Propagate Atheism and other Hellish Principles; are let into the Administration, they are in Places, Places are given 'em as the Reward of betraying their Party, they engross all Places, they are Persons of Characters and Stations, nay, they are Chief.

Nor is this done in any Representation to those, that by making new Laws, or putting in Execution the old, might regularly cure these Mischiefs; but in a popular Harangue from the Pulpit: Not in terms of Lamentation, not as grounds of Humiliation,

or in a Language that might become one that thought the only *Arms* of the Church to be *Prayers and Tears*; but with all Malice, Bitterness, Reviling, Insolence, endeavouring to raise in his Auditors the Passions himself puts on, and pointing out (as far as he dares) to *Arms and Violence* for a Cure, and not so much as *offering* any other.

These are the Colours in which he paints our Condition, and thus he chuses to shew the Zeal and Duty he professes to the Best of Queens.

But since he pretends in great measure to deny or evade the Charge, it may not be amiss to look a little more particularly into his Sermon, and take a View of the *Scheme* of it, and of several Passages therein.

The Crime he professes to show the Mischiefs of in this Sermon, is *False Brotherhood*: The *Method* he proposes to Treat it in, is,

1. To describe the *Crime*, and to show who are *False Brethren*, and upon what Accounts; and he considers it both with respect to the Church and to the State.

2. To show the *Dangers*: And

3. The *Guilt* and *Folly* of this Sin. And

4. (That it may appear that all the Crimes and all the Treacheries he mentions are not mere Suppositions, but Realities at this time,) He undertakes, as a *Consequence of all*, to shew what mighty Reason we have at all times, more especially *AT PRESENT*, to stick to the Principles of our Church and Constitution, and to beware of and mark all those False Brethren who desert or betray 'em.

I believe the first Clause of this Article will so clearly be prov'd from the Passages that more directly concern the second and the third, that I desire, for saving your Lordships Time, to begin with those to Clauses, and then to return to the first afterwards.

I begin therefore with the second Clause, *That the said Henry Sacheverell, in his Sermons and Books, doth falsely and maliciously Suggest, that there are Men of Characters and Stations in Church and State who are False Brethren, and do themselves weaken, undermine and betray, and do encourage and put it into the Power of others who are professed Enemies, to overthrow and destroy the Constitution and Establishment.*

To make this out, I beg leave to observe, that in entring upon his second Head, that is, to show the great Peril and Mischief of these False Brethren both in Church and State, he asserts, pag. 15. *That they weaken, undermine and betray in themselves, and encourage and put it in the Power of our profess'd Enemies to overturn and destroy the Constitution and Establishment of both.* This therefore runs thro' his whole Discourse; and, being affirm'd of False Brethren in general, must be applicable to every

every sort of False Brother. If then there be any *Persons of Characters and Stations* whom he represents as *False Brothers*, then he has, in the Place mention'd, affirm'd of THEM, and undertaken to prove, that THEY *weaken, undermine and betray, and put it into the Power of others to overturn and destroy the Constitution and Establishment.*

And as to that, he comes under his third Head, *Pag. 21.* to show the Malignity and Guilt of this Sin, in respect of the World, and begins it thus, (*pag. 21, 22.*) "What a vast Scandal and Offence must it be, to all Persons of Piety and Integrity, to see *Men of Characters and Stations* thus to shift and prevaricate with their Principles, and starting from their Religion, upon any occasion of Difficulty or Tryal, and like the Disciples flying from and forsaking our Saviour, when his Life lay at stake; to see Mens Opinions sit as loose almost as their Garments, to be put on or off for Convenience; what can unwary Persons conclude from this Tergiversation and Hypocrisie, but that *all Religion is State-Craft* and Imposture? That all *Gedliness is Gain*, and that the *Doctrines of the Church* lie not so much in her *Articles*, as her *Honours and Revenues*?

This is a full Charge of *False Brotherhood* upon those *Persons of Characters and Stations*, and exemplifying in them the Malignity of that Crime, which is the Subject of his Discourse: The Consequence is plain, that he here charges 'em with *False Brotherhood*, and having before asserted, that *all such False Brothers weaken, undermine and betray, and put it into the Power of others to overturn and destroy the Constitution and Establishment*; he has not only suggested but maintain'd, that there are *Persons of Characters and Stations* that *weaken, undermine, and betray, and put it into the Power of others to destroy the Constitution and Establishment.*

In his Answer, put in before your Lordships to the Articles of Impeachment, he would divide the Charge in this Clause; and (1.) as to the suggesting that there are such Persons who are *False Brethren*, he says, That if he had said *there are Persons of Characters and Stations* that are *False Brethren*, not restraining it to the *highest*, it would not be either false, malicious, or highly Criminal.

(2.) As to the weakening, undermining, and betraying in themselves, and putting it into the Power of professed Enemies to overturn and destroy the Constitution, he says, he has not suggested *that* of *Persons of Characters and Stations*; but the mention of those *Persons*, and the Expression of *weakening and betraying in themselves, and enabling others to destroy the Constitution*, are twelve Pages asunder.

(3.) He mentions some, which he thinks do weaken and betray the Constitution, but has not said any of *them* are *Men of Characters and Stations.*

In Answer to these Glosses, I might say, that if this were meant, *not* of the *highest* Characters and Stations, nay though it were *true* too, the affirming this of them would be Criminal, and in the manner he does it, *highly* so. All subordinate Magistrates, of whatever Station, may be regularly complained of, and call'd to account; but the meanest are not to be traduced and libell'd, nor the Government upon their Accounts.

But this I offer. The Words, if not *restrained* to those of *highest* Characters and Stations, neither are they *restrain'd* to the *lowest*; and, in Truth, strike *all*, and so were *intended*, as other Parts shew.

It is no Excuse, if he scandalizes Persons of the *highest* Characters and Stations, that he does not scandalize them *only*.

It is no Excuse, when he speaks opprobriously, in *general* Terms, of Men of Characters and Stations, without distinguishing to *his* *Auditory*, to distinguish upon *his* *Defence*, and pretend he meant only some few of the *meaner* Sort; that is, that when he was speaking of the Mischief and Malignity of this Crime, and showing how *Great* it was, his Assertion concerning Men of Characters and Stations *in general*, was meant *only* of *those*, in whom the Mischief and Malignity is *least*.

No, it is a general Arraignment of the Government throughout, and as such he must answer for it. And to put this out of doubt, he has told us, Page 26. in Scripture Words, That *the Church's Adversaries are chief*.

For what he talks of several *Senses*, in which he says he takes False Brethren in the Sermon, 'tis not at all material in *what* *Sense* he charges those Persons with False Brotherhood, if in *Consequence thereof* he charges them with *betraying* the Church, and empowering its Enemies to destroy it. The charging them with being False Brethren had been a *Fault*, as *that* is a Term of Reproach, which, with him, carries just as much Malignity as he pleases, even to *something analogous to the Sin against the Holy Ghost*, and rendring them the *worst of Demons*. But the *Stress* of this Accusation, is the *Treachery* they are charged with as *False Brethren*.

2. In the next Place, therefore, he denies that Part of the Charge; and for this *shrewd Reason*; that the two Expressions are twelve Pages asunder: An Answer I admire to see put in upon so solemn an Occasion! As though the False Brotherhood he shows the *Danger of*, and the False Brotherhood he shows the *Malignity of*, had no Relation to one another, because twelve Pages asunder.

3. He mentions *some* that he affirms to be *Weakners* and *Betrayers*, &c. but says, he does not suggest *those* to be *Men of Characters and Stations*. All the Inference to be drawn from that, is, either that there are, besides *those*, some *other* Weakners and Be-

Betrayers, that are Men of Characters and Stations; or that *some* of *those* are Men of Characters and Stations, tho' he have not said so; which is no Excuse for him. For tho' he have not describ'd *every sort* of Weakner or Betrayer; and tho' he have not told us *which sort* of Weakner or Betrayer he ranks the Men of Characters and Stations under; yet he has in general charged Men of Characters and Stations with False Brotherhood, and as False Brethren to be Weakners and Betrayers, &c.

IN the next place, I would lay before your Lordships the Proof of the third Clause of this Article, which says, *That Dr. Sacheverell charges Her Majesty, and those in Authority under Her, with a general Male-Administration.* Every part of the Sermon makes out this, representing the whole Nation in the utmost Disorder and Confusion, and the Magistrates, instead of *applying* a Remedy, rather *encreasing* the Distemper.

Page the 14th is a very home and a direct Charge upon the Government. It comes under that Part of the Sermon where he is describing False Brethren with relation to the State: And when he has declar'd very largely what they *do*, and what they *hold*; he goes then to what they are *suffer'd to do*: He says, "These False Brethren in our Government do not singly, in private, spread their Poison; but (what is lamentable to be spoken) are *suffer'd* to combine into Bodies and Seminaries, wherein *Atheism, Deism, Tritheism, Socinianism*, with all the Hellish Principles of *Fanaticism, Regicide, and Anarchy*, are *openly profess'd* and taught, to corrupt and debauch the Youth of the Nation in all Parts of it, down to Posterity, to the present *Reproach*, and future *Extirpation* of our *Laws and Religion*."

The *suffering* these Things is a direct Charge upon the *Administration*; and he in Effect *declares* it so, when he concludes, that this is to *the Reproach of our Laws and Religion*; that is, of those that do not *mend*, or do not *execute* the Law: And he brings it home to the first Clause, when he declares the Consequence to be the *Extirpation of our Laws and Religion*.

The Passage I before read, Pag. 22. concerning Persons of Characters and Stations, likewise proves this: For, what can be a greater Charge upon the Administration, than to accuse the Ministry of putting into *publick Stations False Brethren*, that *betray* the Church, and *empower* others to *destroy* it? That the Expression there is so general, as to reach *all* in publick Stations, I have before observ'd; and that it is so *meant*, may be thus made plain. In the same Passage he is apprehensive that those Persons Behaviour should give occasion for believing *Religion to be but State Craft*; that is, a Stratagem us'd by the State to serve its own Ends: "That the *Doctrines of the Church lie not so much in its Articles, as its Honours and Revenues*; which Honours and most tempting Revenues are in the Hands of the Crown, and

and those that are byass'd by them, must be byass'd by the Crown and the Administration.

Page 23. "*A False Brother is represented as relinquishing his old Friends and Principles, and betraying his own Party for the little sordid Lucre of Place or Preferment.* Here is a plain Representation of a Villain, selling his Conscience; the Price, is *Place or Preferment*, the Buyer that pays him that Price, must have the *Disposal* of those Places and Preferments; so that, *those False Brethren* are not only *suffer'd*, but *made* such by the Administration.

That the False Brethren, which he mentions, as put into Places, are put in by our Governors, he plainly suggests, Page 18. when he bids the *Governors consider* whether they are fit to be *entrusted, especially with the Guardianship of our Church and Crown*: For to what purpose is that *qualified* Admonition, if the Governors put such Persons into no Places at all? Admonitions to Temporal Governors, with respect to mere Matters of Government, tend only to affront 'em, if present, but *can* have no other Effect, when they are absent.

Let the *Preface* to the *Derby Sermon*, without any Observation or Comment upon it, conclude this Head: "Now when the Principles and Interests of our Church and Constitution are so shamefully betray'd and run down, it can be no little Comfort to all those, who wish their Welfare and Security, to see, that notwithstanding the *secret Malice* and *open Violence* they are Persecuted with, there are still to be found such worthy Patrons of both, who dare own and defend them, as well against the rude and presumptuous Insults of the one Side, as the base undermining Treachery of the other. For I omit to repeat what has been observ'd upon the Third Article, or upon the former Clause spoken to by my self.

I RETURN now to the first Clause of this Article, which run thus, "That he *Suggests that Her Majesty's Administration, both in Church and State, tends to the Destruction of the Constitution.*

This is made out from what has been said on the other two; for, if Men of Characters and Stations in Church and State, that *betray* our Constitution, and *encourage and enable others to destroy it*, come into their *Places thro' the Administration*; if the general *Male-Administration of Her Majesty and those in Authority under Her*, consist in part, in *Preferring and Encouraging*, or at least *not Discouraging* those Persons that *betray and destroy* the Constitution; the necessary Consequence is, that all those fatal *Mischiefs complain'd of arise from the Administration*, which therefore plainly *tends to the Destruction of the Constitution.*

Besides,

Besides, having involv'd all those, in this Description of False Brotherhood, who defend Toleration; and having declar'd the *Church's Adversaries Chief*, considering *who is Chief*, and *what Promises* have been made for Continuance of the *Toleration*: His Insolence ought to be treated rather with Indignation and Contempt, and a just Punishment, than vouchsaf'd an Answer.

As to the next Clause; "And as a *Publick Incendiary*, he perswades Her Majesty's Subjects to keep up a *Distinction of Factions and Parties*, instills groundless *Jealousies*, and foment destructive *Divisions* among them, and excites and stirs them up to *Arms and Violence*; 'tis sufficient in short to say this.

What he advances against the Foundation of the *present Establishment*, and against the *Administration*, is as an *Incendiary*.

That he perswades Men to keep up *Distinctions*, and instills groundless *Fears and Jealousies* among them, is plain, from the Drift of all he says; from his Language of *Forsaking old Friends and Principles, Betraying their Party*, which he makes to be the great Crime of *those in Places*, and goes to show the Folly of it, pag. 23.

And tho' he pretends, in his Answer, That he invites Schismatics into the Church, it is only on those Terms, that they comply with his Notions to a Tittle: He makes no Allowance for Humane Frailty, for Prejudice or Ignorance, and in some Instances expressly disallows 'em; and those who are so weak as to fancy the Church in *any Particular* not to be in the right, tho' in all others they would sincerely and constantly conform to it, even *they* must continue Schismatics stil: If, with these mistaken Opinions, they Communicate with the Church, they are *False Brethren*, and as such to be *abhorr'd*: And yet if they do not, they are not to be *Tolerated*.

Nay, whoever has so much Compassion for such a Case, as to think it might be Tolerated, is a False Brother too, as defending Toleration, which is giving up *one Point of the Discipline of the Church*, and encouraging Schism.

For, tho' he seems *in words* to approve of an Indulgence to *Consciences truly scrupulous*, yet *in reality* he approves none; since he admits not any one to have a *Conscience truly scrupulous* that differs from him, but all such are *False Brethren, Villains*, and to be stigmatiz'd with all the other Names of Reproach he is so liberal of.

As to *Fears and Jealousies*, those are naturally produc'd by these Representations of the Dangers the Church and Constitution are in; and as those Dangers are meerly *imaginary*, those *Fears and Jealousies* are *groundless*.

As to his inciting Her Majesty's Subjects to *Arms and Violence*, that he does it, is most manifest.

The spreading among the People such hideous Representations of an evil Government, such Outcries, of *the Church and true Religion being undermin'd, betray'd and expos'd by those in*
the

the Administration, naturally tend to Rebellion. And therefore
In William's at Common Law, as we find it express'd in our Law
Case in 2 Rols Books, to bear the People in Hand (I give the very
Reports, pag. Words) that the King's Government was erroneous,
89, 90. heretical or unjust, whereby the manner of the Govern-
ment was Arraign'd or Impeach'd, was High Treason.

The Passion, Heat and Violence in this Sermon preach'd in publick, could be intended for nothing else but to raise the Passions of those that heard it.

The People are call'd upon *to put on Resolution and Courage*; they are assur'd the Cause *at present* requires the *bravest Resolutions*; he exhorts them to *contend earnestly for the Faith*, having elsewhere shewn against whom, against *False Brethren*, against the Enemies he had describ'd, such as have *Places and Preferments*, are *Men of Characters and Stations*; such as are *Chief and at present prosper*, and denounces *Woe against the fearful Heart and faint Hands*.

The Expression of *standing by Her Majesty with Lives and Fortunes*, and of *Sacrificing them in Her Service*, being now become a familiar Phrase, for *assisting Her in War*, those Expressions are affected.

In the Dedication of the *Derby Sermon* he extolls those, who are for maintaining what he calls *forsaken Truth*, with their *Lives and Fortunes*.

And in the Sermon at *St. Paul's*, pag. 9, 10. the Readiness to *Sacrifice Lives and Estates* in Vindication of the Church, is represented as so *Noble* a Resolution, that in comparison to that, Obedience her Precepts, that is, *a good Life*, is but as the *one thing necessary* in the Gospel, only an extraordinary pitch of Perfection, only as the selling all his Goods, and giving the Price to the Poor, was to an exact Observance of the whole Moral Law.

But in the Dedication of the *St. Paul's Sermon* he seems to avow this Design; he pretends not his Sermon to be Christianity, but *owns* it to be *Politicks*, not *preaching Peace*, but *sounding a Trumpet*. For he states the Objection, *that the Pulpit is not a Place for Politicks, and that 'tis the Business of a Clergyman to preach Peace, and not to sound a Trumpet*. What's his Answer? Does he deny the Objection to extend to himself? No, he admits it, and justifies it by Pretence of a Divine Command, and treats the Maxim laid down in the Objection with Scorn, as contrary to the express Word of God.

cc In his Answer to this last Part of this Clause, he seems first to represent it as *inconsistent* with his *Position* of the utter Illegality of Resistance to the Supreme Power on any Pretence whatsoever, and with his *Professions* of Loyalty to Her Majesty; and then attempts to *confute it* (as his Expression is) by a Passage in the *Derby Sermon*.

As for the latter, I think it rather a Justification of the Charge ; for the Passage asserts, *that every Man has, by God and Nature, a Commission to ENGAGE the Enemies of the Constitution* : that is, (as he has painted 'em) the Queen and Her Ministry.

The other is founded on a Supposition that he is never inconsistent, a very civil Complement to himself, but as it happens, very false.

But to consider this Part of the Answer a little more particularly. As he has here manag'd the Matter, I own there is *in this Particular* no Inconsistency. We say, *he has stirr'd up Her Majesty's Subjects to Arms and Violence* ; He says, *he has declar'd all Resistance unlawful* ; yes — all Resistance to the Supreme Power ; but he has never declar'd Resistance to her Majesty unlawful. He maintains the utter Illegality of Resistance on any Pretence whatsoever to the *Supreme Power*, but no where says, that in the Supreme Power he *includes Her Majesty*, or that it is *illegal to Resist Her*. The utter *Illegality of Resistance to the Supreme Power upon any Pretence whatsoever*, Her Majesty's profess'd Enemies will come into, and labour for ; meaning only to condemn the Resistance that *was* made against *King James the Second*, which brought about the Revolution, and any Resistance that *shall be* made against the *Pretender*, whenever he comes ; and Dr. Sacheverell goes no further.

Those Enemies of Her Majesty, have ever since the Revolution, made it their Business to blacken it, to raise Scruples in Peoples Minds about it, and to make the Administration odious : The same Methods are advanced by Dr. Sacheverell into the Pulpit ; and if those Methods are to appear in the greatest Assemblies, on the most solemn Occasions ; if the Revolution must be *attack'd* on a Day when Her Majesty has appointed it to be *Commemorated*, if Her Majesty's Reign is to be arraign'd in Publick, and an Appeal made to the Passions of the People ; let it be attended with what *Professions* it will, it equally strikes at Her Majesty and the Establishment ; and the Commons could not but think themselves obliged, in Duty and Gratitude to Her Majesty, and in Justice to the whole Nation, to call him that us'd them thus, to a publick Account : And let this Gentleman commend his own Loyalty as much as he pleases, 'tis plain that in this Sermon he is doing the very same *Work*, and in the very same *Method*, with those that *disown Allegiance* to Her Majesty.

My Lords, Permit me to observe a little his Management of this Text : Supposing the Doctor to be *right* as to his *Doctrine*, and that he believes himself to be so ; and that he is *sincere* in his *Professions* of Loyalty to the Queen. For I am not now going to dispute or limit the Doctrine of Non-Resistance, which was the Business of those Gentlemen that spoke to the first Article.

By *False Brethren* in the Text of this Sermon, were meant, those who *pretended* to be Christians, but really *were not*.

Dr. Sa-

Dr. Sacheverell seems so to understand it ; and therefore to declare those to be *False Brethren in the CHURCH*, that pretend to be of the Communion of the Church of *England*, but are not ; that live in its Communion, but own not its Doctrines and Authority. By like Analogy, *False Brethren in the STATE* are such, that perhaps swallow the Oaths to the Queen ; or if they go not so far, yet take the Benefit of Her Laws, Her Courts, Her Protection, yet deny Her Allegiance, and are for another Prince. A just and well-manag'd Reproof of these had been a noble Topick for one that pretends all this Zeal for the Queen. But *they* are wholly pass'd by, *they* are not to be blam'd, there's no Danger from *them* either to Church or State. Who then, according to the Doctor, are *False Brethren in the State* ? (He was hard put to it to substitute some others in their Place.) They must be only those who *one way or other* oppose the Doctrine of *Non-Resistance upon any Pretence whatsoever*, whom he describes in several invidious Instances, and in all possible Terms of Reproach. This seems strange.

1. This being, as he states it, an Error in the Doctrine of the Church, the holding it is only one Branch, one Instance of *False Brotherhood in the CHURCH* ; and therefore not so proper to stand for a distinct Head of *False Brethren in the STATE*.

2. The bare denying or not believing the Doctrine of Non-Resistance, supposing it true, does not denominate a Man a *False Brother in the STATE*.

Suppose then a Man own the Queen's Title, be satisfied with Her Administration, in Love with Her Reign, convinc'd that She has principally at Heart his Interest, and the true Interest of all Her Subjects ; believes that upon the Continuance and Quiet of Her Government depends the Preservation of our Liberties, and those of all *Europe*, and accordingly obeys and serves Her with Sincerity and Zeal, and thinks all Resistance to Her utterly unlawful ; is this Man a False Brother in State, a Rebel, a Traytor, because he thinks Resistance *was* lawful at the Revolution, and *may* be so whenever the same Breaches of the Constitution are repeated ?

Is he a Rebel to *THIS QUEEN*, because there *possibly* may happen a Case, wherein he *may* resist *another* Prince, if that Prince *should* do what he's sure *SHE* never will ?

At most, that Mistake only *exposes* such a Person more easily to be mis-led : He *may* be in more *Danger* of becoming a Rebel to a Prince, he shall be dissatisfied with, but *is not* therefore a Rebel to a Queen, he loves.

How then comes this single Instance of False Brotherhood in State to be insisted on, which at most shows, not that the Person *is*, but only that perhaps he *may become* a False Brother ;
and

and those Instances pass'd over, where Persons *plainly* are False Brethren in State?

Further, this Doctrine being, as the Doctor says, a *fundamental Doctrine in State*, urg'd with *Warmth* and *Vehemence*, one would expect some *Inference* to be drawn from it; One would expect that he, who had so great a Zeal as the Doctor professes for Her Majesty, and had so triumphantly establish'd absolute Non-Resistance, would have fallen in so far with the *Business of the Day*, and have made so much use of his *Favourite Doctrine*, as to *disswade* from Rebellion; and when he had taken Notice of these false Steps in the Administration, that he should have perswaded the People to make proper Applications for Redress, but to be careful not to let the *Faults of the Ministry* cause 'em to forget their *Duty to the Queen*. But there's not the least Exhortation to that Purpose.

All this seems strange, taking it for granted, that the Doctor is sincerely zealous for the Queen.

Give me leave therefore to make another Supposition: Suppose this Zeal is but *pretended* to the Queen, but *really* for another, and that he thinks the other is rightful Prince, your Lordships will find, all consistent, every Expression, and the whole Procedure, exactly just.

In Consequence of that *concealed* Sentiment, though he dare not directly commend those who own the Pretender, yet neither will he reprove them as *False Brethren in the State*; they being, according to this Opinion, the only Persons who perform their Duty in it. Therefore the *true* Notion of False Brotherhood must be dropt; and instead of it, they that hold Resistance lawful in Cases of *Extremity*, and particularly in that of the *Revolution*, are to be fallen upon; for they are really Rebels and Traitors in his Sense, because they directly overthrow all the Title, which the Disaffected here would fancy for the Pretender.

As long as the *Revolution* stands unimpeach'd, *that Person* can have no *Title*, let his *Pretence* be as favourable as he pleases: If the *Revolution* stand, the *Laws* which are founded upon it stand too, and those Laws concerning the *Right and Succession* of the Crown, are absolutely binding; and therefore whatever *Right* he could wish People to believe him to have, all *that Right*, all *that Pretence* of Right, is as effectually barr'd, as all the *Right*, which those who stand in the Course of Descent before the Princess *Sophia of Hannover* would have had but for the Act of Settlement, *will be* bound, whenever God, for our Sins, shall take from us Her Majesty without Issue.

This Principle therefore is *fundamental* to the Pretender; and, taking the Matter thus, accounts for all that Rage against those that dispute this Doctrine, *as extended* to the Case of the *Revolution*, for his so often repeating this to be the *Basis*, the *fundamental Principle* of the Constitution.

This shows clearly, why neither in the Sermon, nor Defence, he has once maintain'd the Illegality of Resistance to Her Majesty.

This shows, why this fundamental Principle is totally forgot to be press'd by him upon the People; no Inference from it, that those Mismanagements ought not to make them forget their Duty to the Queen; not one Perswasive to Obedience to Her; not one Admonition against the Consequence of False Brotherhood in the State, that it was apt to make People rebel; no cooling the People, with telling 'em That Prayers and Tears were the only Arms of the Church, that they ought to do their own Duty, submit wholly to the Queen, and those in Authority under Her, and leave the rest to God. These were the natural Consequences of this Doctrine of Non-Resistance, so violently contended for, but not one of them pursu'd or mention'd.

And perhaps this made him chuse to describe the Case of our Church, P. 26, in the Words of the Prophet in the *Lamentations*, which are in *ch. 1. ver. 4, 5.* (tho' not truly cited in his printed Sermons;) *The Ways of Sion mourn for a time, and her Gates are desolate, her Priests sigh, and she in Bitterness, because her Adversaries are chief, and her Enemies AT PRESENT prosper.*

My Lords, That Book was wrote just after *Nebuchadnezzar's* taking *Jerusalem*; and the Condition of the *Jews then*, which is thought proper by him to give an Image of *ours now*, was this:

They were inflav'd, their King in a Foreign Country, strip'd of his Crown, and the Prince then Reigning was an Oppressor, that had no other Title, but Possession and Force.

Thus has the Doctor, out of his tender Concern for her Majesty's Person and Government, thought fit to express his Sentiments.

THE LAST PART of this Charge is that of *Wresting and Perverting divers Texts and Passages of Holy Scripture.* This may not perhaps seem so proper for me to speak to, but being part of my Province, I shall apply to it without any Apology.

My Lords, As wicked and corrupt as Doctor *Sacheverell* would represent this Nation, he very well knew, that the Holy Scriptures are had in that just Veneration and Regard, that whatever is cited thence has a particular Influence upon the Minds of the People; whatever Story can be brought thence as a Parallel, whatever Expressions taken thence are made use of, to paint the Beauty, the Deformity, the Dangers of the Preacher's Subject, give a strong Impression, fire the Zeal of the People, alarm their Passions, and make 'em fancy they hear the Voice of God, when they hear His Words repeated.

This the Doctor knew, and your Lordships will see what Use he makes of it.

When he speaks of the *Perils of the Church*, which Her Majesty, your Lordships, and the Commons, could not see, the Scrip-
pture

picture is to be search'd for a *Story*, that may be brought to match the Case, and to give an Opportunity, under other Names, to speak a *bold* Falshood concerning all *these*.

It happens, there is *one remarkable Story* in the Holy Scripture about a *Mistake of Danger*, but unfortunately it *suits not* the Case, as told *there*, however it *gives a handle*, and he can make from it a *Story to his Purpose*.

Accordingly he says, *pag. 21.* "When *Elisha* the *Great Prophet* of God was surrounded with an Host of Enemies that fought for his Life, his *Blind Servant* beheld not the *Peril* his Master was in, 'till his Eyes were opened by a *Miracle*, and he found himself in the midst of *Horses and Chariots of Fire*."

This *Story thus* told is extremely happy for him, for hence the People are to understand *him* to be the *Inspired Prophet*; and the *Queen, Lords, and Commons*, *blind* at least, tho' not his *Servants*.

But the *Story* in Holy Writ is directly contrary, and it was only the *blind Servant* fancied they were in *Danger*, when *really* they were not.

The *Story* is in *2 King. Chap. 6.* and as told there, is thus; The King of *Syria*, at War with *Israel*, being inform'd, that what he said in his Bedchamber was told to the King of *Israel* by *Elisha* the Prophet, resolved to seize *Elisha*; and hearing he was at *Dothan*, ver. 14. (I now give your Lordships the very Words) "He sent thither *Horses and Chariots* and a great Host, and they came by Night, and compass'd the City about. *Ver. 15.* And when the Servant of the Man of God was risen early, and gone forth, behold an Host compass'd the City both with *Horses and Chariots*, and his Servant said unto him, *Alas!* my Master, how shall we do? this is the *blind Servant* that the Doctor says, (saw no Danger) "*Ver. 16.* And he answer'd, Fear not, for they that be with us are more than they that be with them. *Ver. 17.* And *Elisha* pray'd and said, Lord, I pray thee open his Eyes, that he may see; and the Lord opened the Eyes of the young Man, and he saw, and behold the Mountain was full of *Horses and Chariots of Fire*. The Doctor's Exposition is, that this *Heavenly Guard*, these *Horses and Chariots of Fire*, which were there only to defend the Prophet, were to destroy him; and from *them* arises the *Danger*, which the Doctor fancies the miraculous opening the Servant's Eyes disclos'd to him.

I think I may give the Doctor his *Choice*, what this proceeded from, whether from his *not knowing* this Passage but taking it upon *Hearsay*, or his Resolution *knowingly* to pervert it.

The next Passage is, *pag. 26.* the Words of St. Paul, *Eph. 6.* with which, after a Discourse where all the social and good-natur'd Virtues are taught in the highest Perfection; where he had recommended, *Chap. 4. ver. 2. Lowliness, Meekness, Long-suf-*

fering, forbearing one another in Love, endeavouring to keep the Unity of the Spirit in the bond of Peace; where he had commanded, v. 31. that all Bitterness, and Wrath, and Anger, and Clamour, and Evil-speaking be put away with all Malice; and v. 32. that those to whom he writes should be tender-hearted, forgiving one another, even as God for Christ's sake had forgiven them; (v. 27.) that had forbidden giving Place to the Devil, but not to any other; the Apostle concludes, that in this Spiritual Warfare, and that they might be able to withstand the Wiles of the Devil, they should put on the whole Armour of God, because they wrestled not against Flesh and Blood, but against Principalities, against Powers, against the Rulers of the Darkness of this World, against Spiritual Wickedness in High Places:

This Gentleman, after a Discourse full of Bitterness, Reviling, Wrath, Clamour and Evil-speaking, forbearing no Man in Love, nor forgiving any that differs from him one Tittle, and having shown other Devils incarnate, (pag. 23, 25.) the worst of Demons, other Powers, others in Places and Stations, against whom his Auditors were to contend earnestly, repeats those Words, not in the Spiritual Sense the Apostle us'd 'em, but, as the whole Subject and Drift of his Discourse shows, as an odious Description of the Government, in Scripture Words; and whether he meant the Armour in the Apostle's Spiritual Sense, any more than any of the other Words there, or whether he intended it a literal earthly Armour, which the Cause would make the Armour of God, I leave to your Lordships to determine. However, 'tis no Defence for him, what he says, that the Arms of Resistance to Princes is no part of the Spiritual Armour recommended by St. Paul, because he has plainly departed from St. Paul's Spiritual Meaning.

And that this is his Meaning, to paint here our present Circumstances in Scripture Language, is further plain from what follows, that the Church is bleeding of the Wounds which she has received in the House of her Friends, borrow'd from Zech. 13. v. 6. That the Ways of Sion may mourn for a Time, and her Gates be desolate, tho' her Priests sigh, and she in Bitterness, because her Adversaries are Chief, and her Enemies AT PRESENT prosper. I have before observ'd, from what Circumstance of the Jews this Image is borrow'd, and your Lordships will take notice, what Changes in the Expressions he has made, to render them more Emphatical.

My Lords, There can be no greater perverting of Scripture, than to make use of the Language of the Holy Ghost, to revile our Neighbours, to scandalize the Government, and to raise Wrath, Sedition, and Rebellion in the People.

The last I shall mention is that in the Dedication of the St. Paul's Sermon, where proposing it as an Objection, that it is the Business of a Clergyman to preach Peace, and not to sound a Trumpet in Sion;

Sion; he affirms that to be *expresly contrary to the Command of God*; and to *prove* that Command, cites those Words, *Cry aloud, and spare not*, which are in *Iſa. 58. 1.*

My Lords, This I apprehend to be not only *perverting*, but that to Men of Understanding it will seem *ridiculing* Scripture. To infer, that because they were to *speak loud*, they were to *ſound a Trumpet*, ſeems ridiculous.

Or if he had cited the reſt of the Words, *Cry aloud and spare not, liſt up thy Voice like a Trumpet, and ſhow my People their Tranſgreſſion, and the Houſe of Jacob their Sins*; he had indeed found the Word Trumpet, but little to his Purpoſe; for becauſe the Prophet was to imitate a Trumpet in the Loudneſs, that the People might hear, was he to imitate it too as it is an *Instrument of War*, that they might prepare themſelves for *Battel*? Becauſe he was loudly to tell 'em their own Sins, that they might repent, was he likewiſe to Trumpet to 'em the Faults of the Government, that they might take up Arms, and redreſs 'em by *Rebellion*?

If he find any other Place in the Old Teſtament to command the Priests to ſound a Trumpet, I ſhall refer him to the 10th of *Exodus*, where he'll find the Priests were literally to ſound the Silver Trumpets in the Army, *in the Field*, but he'll not find they ever ſounded it from the *Pulpit*?

My Lords, I ſhall offer nothing farther to your Lordſhips on this Head, tho' there is room for it.

But there are two things in the Answer to this Article I cannot omit taking Notice of.

The fiſt is in his Answer to the fiſt Part of this Article, that charges him with *Suggeſting*, that *Her Maſteſty's Adminiſtration, in Church and State, tends to the Deſtruction of the Conſtitution*; where he takes great Comfort that in this Article he is charg'd not with *Suggeſting and Maintaining*, but *Suggeſting only*, and hopes that bare Suggeſtions, or Inſinuations, ſhall not involve an *Engliſh Subject* in the Guilt and Punishment of High Crimes and Miſdemeanors. I don't envy him his Comfort, nor ſhall labour to take it from him, though it ſeems *ſtrangely founded*; for tho' it is *expresly* ſaid, that he charges *Her Maſteſty with a general Male-Adminiſtration*, though the Accuſation be *poſitive*, that as a publick Incendiary he *perſuades the Subjects to keep up Parties, foments Diviſions amongſt them, and ſtirſ them up to Arms and Violence, and perverts divers Texts of Scripture*; notwithstanding all theſe poſitive Charges, yet the *fiſt Expreſſion* happening to be *only, Suggeſt, and not, Maintain*, it ſeems he is very happy in it.

But, my Lords, this is an extraordinary Step, that let a Man caſt never ſo many Scandals and Reproaches on the Government, though in never ſo publick a Manner, yet if it be done by way of *Suggeſtion and Inſinuation*, and the Charges not *expresly*

maintain'd and avow'd, there is *no* Crime in it, or not any *high* one. That is, in short, *Sedition*, and exposing the Government, is lawful; only the *Manner* is to be taken care of: Don't do it *directly and avowedly*, for that would be *dangerous*; but do it by *Suggestions* that every Body will *understand*, and which will have their *full Effect*, and all's *safe*: For those that come to judge you are not to understand you, though every Body else does.

cc My Lords, Here are two extraordinary *Claims of Right* before your Lordships, and of great Consequence, if you allow 'em; one, that the *Clergy* may sound a Trumpet in *Sion*, in a *Military Sense*, and are not to be restrain'd to the Preaching of Peace; the other, that every *Englishman* is at Liberty to *asperse the Government* at pleasure, by whatever *Suggestions* and *Insinuations* he pleases; and these made by a warm Advocate for *Passive Obedience*, the most *peaceful* and *submissive* Doctrine in the World.

My Lords, In the Case *de Libellis Famosis*, in the fifth Report, there was a Prosecution for a Libel, not indeed set forth at large in the printed Book, (as was not fit) but thus far particularly taken notice of, that it traduc'd and scandaliz'd one Person *dead*, and him an *Archbishop* too, by *Descriptions* and *Circumlocutions*, and not in *Express Terms*; and no Body ever doubted but it was *Criminal*. But though there should be a greater Strictness observed in respect of *private Persons*, yet when the *Queen* and *Government* are concern'd, when *All* lies at Stake, a Man ought to *guard* himself, and his Expressions, not to touch in the least there; and every Man that's *truly* Loyal, and desires the *Peace* of his Country, *will do it*: And knavish Designers against the Publick Peace are not to be suffered to go on in overthrowing it, because they have contrived *crafty Ways* of doing it.

I mention this only to oppose the *present Claim*, though in our Case the Reflections are *plain* and *full*.

The other is his Lamentation at the Close, which I cannot but take Notice of as an insolent Reflection on the *Honour* and *Justice* of the *House of Commons*: "Hard is the Lot of the
 " Ministers of the Gospel, if when they cite the Word of God
 " in their general Exhortations to Piety and Virtue, or in the
 " Reproofs of Mens Transgressions, or when they are lament-
 " ing the Difficulties and Conflicts, with which the Church
 " of Christ, while Militant here on Earth, must always strug-
 " gle, the several Texts and Passages by them cited, shall be
 " said to have been by them meant of particular Persons and
 " Things, and shall be consider'd in the most criminal Sense,
 " and be made by such Construction one Ground of an Im-
 " peachment for High Crimes and Misdemeanors.

My Lords, This was put into the Answer, not by way of Defence, but to make that Use which has been made of it, to Print it before it came to be consider'd, and lay hold of that as an Handle, as has been done, to say Doctor Sacheverell has been prosecuted only for *doing his Duty as a Clergyman*, which is a scandalous Reflection.

Is the Story of *Elisha*, as told by him, an honest Citation of a Passage of Scripture?

Are *Enemies* that are *chief*, and the *Adversaries* that at present prosper, no particular Persons, now in being; though to the Scripture Expression he has added the Words, *At Present*, for fear the Application should not be close enough?

Is this Sermon an *Exhortation to Piety and Virtue*, or is it not manifestly a *Trumpet to Rebellion*? Is it a shewing the Audience their *own Faults*, that they may *cure 'em*, and *amend their Lives*; or is it not plainly the *exposing* the Faults of others, the *Faults of their Governors*, that they may *hate the Persons*?

Even the Doctrine of *Passive Obedience*, is it here so warmly contended for, that People may be *dutiful* and *submissive*, or that they may be *enraged* against those that deny it? In short, is there *one Christian Virtue* taught in it? Except your Lordships will honour with that Name the sticking, not to the *Church and Christianity*, but according to the Doctor's own Expression in another Place, *to a Party*; and *Courage*, not only a *Passive*, which he no where recommends, but an *Active* against the *Government*, to which the whole Discourse *incites*?

My Lords, the *Commons* have the greatest and justest *Veneration* for the *Clergy* of the Church of *England*, who are *Glorious* through the whole *Christian World* for their *Preaching* and *Writing*, for their *Steadiness* to the Protestant Religion, when it was in the utmost Danger. They look upon the *Order* as a *Body of Men*, that are the *great Instruments* thro' whose Assistance the Divine Providence conveys *inestimable Advantages* to us: They look upon the *Church Establish'd* here as the best and surest *Bulwark* against Popery, and that therefore all *Respect* and *Encouragement* is due to the *Clergy*, and it is with *Regret* and *Trouble*, that they find themselves oblig'd to bring before your Lordships in this manner *one of that Order*.

But when we consider Doctor Sacheverell, stripping himself of all the becoming Qualities proper for his Order, nay of all that *peaceful* and *charitable* Temper, which the Christian Religion requires of all its Professors, deserting the Example of our Lord and Master, and of His Holy Apostles, and with *Rancour* and *Uncharitableness* branding all that differ from him, though through *Ignorance*, with the Titles

of *Hypocrites, Rebels, Traitors, Devils*, reviling them, *exposing* them, *conducting* 'em to Hell, and *leaving* 'em *there*; *treating every Man* that falls in his way, worse than *Michael* the Arch-angel us'd the *Devil*; coming himself more near the Character in *St. Jude*, part of which he would apply to others, *despising Dominion, speaking evil of Dignities, like raging Waves of the Sea, foaming out his own Shame*; forgetting, when his *Text* and his *Doctrine* led to it, to recommend the *Peace of his Country* in a Time when all *Europe* is in *War*, and nothing can preserve us from falling into the Hands of the *grand Enemy and Oppressor*, but our *Unanimity* under *Her Majesty*; then *labouring* to sap the Establishment, and *railing* and *declaiming* against the *Government*, crying to *Arms*, and *blowing a Trumpet* in *Sion*, to engage his *Country* in *Seditions* and *Tumults*, and overthrow the *best Constitution*, and betray the *best Queen* that ever made a People happy, and this with *Scripture* in his Mouth:

The Commons look'd upon him by this Behaviour to have sever'd himself from *all the rest* of the Clergy, and thought it their *Duty* to bring to Justice such a Criminal; and are in no fear of being thought *Discouragers* of those who preach *Virtue* and *Piety*, because they, in the Supreme Court of Justice, *prosecute* him that preaches *Sedition* and *Rebellion*; or to have any *Design* to lessen the *Respect* and *Honour* that's due to the Clergy, by bringing him to Punishment that *Disgraces* the *Order*.

Mr. Secretary Boyle. **M**Y Lords, I am commanded by the House of Commons, to have a Share in Maintaining the Articles of Impeachment against Doctor *Sacheverell*; and it falls to my Lot to speak to this Fourth Article, which contains no less a Charge than Endeavouring to Excite and Stir up Her Majesty's Subjects to Arms and Violence.

The Ground of this Accusation, is the Dedication of a Sermon Preach'd at *Derby* at the last Assizes; and another Sermon Preach'd at *St. Paul's* the fifth of *November* last, a Day set apart to commemorate the Preservation of the King and Parliament from the Gun-powder-Treason, and to give Thanks to Almighty God for the Deliverance wrought by his late Majesty, in rescuing these Kingdoms from Popery and Arbitrary Power.

The whole Nation doth now enjoy the Benefit of that happy Revolution, and all the good Subjects of Her Majesty are thankful for it. One would have thought, that on such a Day, that Matter should not have been so handled as only to be expos'd; and I am persuaded, that whoever goes about to asperse and villifie the late Revolution, would rejoice to see another.

I shall not trespass upon your Lordships Patience so far, as to repeat the many Passages in the Sermon that make good our Accufation, they having been so fully laid before your Lordships already by a Gentleman that spoke before : And indeed, there is the less Reason to descend into Particulars, since the whole Scope and Design of the Sermon is to infill groundless Jealousies into the Minds of People, and to cast the most virulent Reflections imaginable upon Her Majesty's Administration.

One might suppose, from the Doctor's Discourse, that the Church of *England* was now suffering under the most severe Persecution : That the Laws were no longer in Force ; and that the whole Government was unhing'd : Aspersions more violent could not be used, if we lived in the Reign of the worst of Heathen Emperors, while we are Partakers of so many Blessings under the Government of the best of Queens.

The Prisoner at the Bar lays some Stress upon the Word *Suggest*, as expressed in the Fourth Article, which has already received an Answer, and would insinuate, that there are no plain Words in the Sermon to support the Charge ; but if that Objection were true, which we are far from admitting, and the Consequences drawn from it, were allow'd, I must say, Hard would be the Case of the Government, if Men might make the most odious Suggestions against it, and cast Reflections with Impunity, under the Shelter of some doubtful Expressions, and equivocal Sentences, at the same time that the Sense and Malice of the Reflections are plain to be understood, and can hardly be mistaken.

He doth indeed affect in his Answer, and in one Part of his Sermon, to profess great Duty to Her Majesty ; but let those Expressions be compar'd with the Calumnies that are heap'd upon Her Administration, and I conceive they will not mitigate his Crime, and will avail him no more than the Pretence that he makes to be for Liberty of Conscience, when he condemns the Toleration ; I believe these Excuses will equally weigh with your Lordships, and his Sincerity in both will equally appear.

My Lords, it is no new Thing among those who design to stir up Sedition, to bestow great Encomiums on the Person of the Prince ; it has been a common Practice, and the same Method was pursued in the late unhappy Times. The Incendiaries of those Days pretended, that the Protestant Religion was in Danger under that Government, as the Enemies of our Constitution cry the Church is in Danger under this.

But, my Lords, every thing is in Danger from such seditious Discourses : What a Scene of Distraction and Wickedness is here displayed to the Understandings of the People, to excite and enflame them to Sedition and Rebellion ? Who
can

can sit still, if they are perswaded that *the Altars and Sacraments of our Church are prostituted to Hypocrites, Deists, Socinians and Atheists, and this done with Impunity, and without Discouragement?* What can be more provoking to all good Christians and good Subjects, than to be told *that People are suffer'd to combine into Bodies and Seminaries, wherein Atheism, Deism, Tritheism, Socinianism, with all the Hellish Principles of Fanaticism, Regicide, and Anarchy, are openly professed and taught?*

No Man can think he is long to enjoy his Religion, Liberties or Property, if he can be made to believe that *the Foundations of the Church are undermin'd, and the Government endanger'd, by filling it with its profess'd Enemies:* What is the Meaning of all this, but only to make out, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution? And what must be the Consequence of such an Opinion instill'd into the Minds of the People, but black and melancholy Thoughts, seditious Practices, and at last, open Force and Violence?

The Priests must *cry aloud and spare not*, they must *blow the Trumpet in Sion*; and we are told, there are those that have Lives and Fortunes to maintain such Truths as Doctor Sacheverell has laid down: What those Truths are may be seen through the whole Course of the Sermon; they are such, my Lords, as we apprehend, do not at all tend to the Strengthening the present Government, though they may be serviceable towards Setting up another.

This is not the Spirit of the Gospel, nor agreeable to the Principles of the Church of *England*; and we submit it to your Lordships Judgment, whether this Sermon is not Seditious, and whether the Prisoner at the Bar is not guilty of high Crimes and Misdemeanors?

Mr. Chancellor of **M**Y Lords, I am commanded by the Com-
the Exchequer. mons of *Great Britain*, to bear my Part
in the Management of the Impeachment against Doctor *Henry Sacheverell*, and particularly on this Article. My Lords, I believe, after what you have heard already, you will think there is little Need for me to say any thing on this Head, yet I shall take the Liberty to mention a few Particulars.

I cannot but take Notice, that in a Sermon Preach'd on a Day appointed to commemorate the Blessings we enjoy by the late happy Revolution, there is not one particular Clause to shew forth those Blessings, or the Mischiefs that were then likely to come upon us; there is a little indeed upon the Gunpowder Treason, but upon the Revolution there is nothing, nor doth he take Notice of the Dangers we were in before it, in order to raise the Devotion of the People, and their Thanks to God
for

for their Deliverance; but all the Tenor of his Discourse is to shew the Male-Administration of the Government, and the Dangers that have been coming upon the Church, ever since the Revolution; so that it is plain that he had no Thoughts of the Blessings of that Deliverance, nor any Dislike to the Conduct of those Times.

My Lords, This Sermon was preach'd in a Place well chosen to attempt Mischief in; he well knew, that if he could raise an evil Spirit in this great City, it would do more Mischief than in another Place where he had often attempted it; but God be thanked he was disappointed, and he own'd himself, in another Place, that he did not expect the Thanks of the Court of Aldermen for it.

I shall take Notice of his Dedication, where he carries on the same Design, and owns it on second Thoughts; he's not only warm in Preaching the Sermon, but in his Dedication, he shows with what Spirit he compos'd it; he says, *That if honest Gentlemen will sit still, and give up their Cause for want of Courage, or a just Sense of the dangerous Attempts of our Enemies, without the Spirit of Prophecy we may foretel what will become of our Constitution, when it is so vigorously attack'd from without, and so lastly defended within.*

My Lords, I shall not explain the Meaning of those Words, *Sitting still, and Want of Courage*; but I cannot but take Notice of these Words, *the vigorous Attack from without, and the last Defence from within.* I would desire to know who the Doctor takes to be the Defender of the Faith; and who under that Defender is to protect the Church; it must necessarily be meant as a Reflection on Her Majesty, and upon those that under her Authority are to take Care of the Church. The next Passage is plain Confession of his Seditious Intentions; he tells us his Business was not to Preach Peace, but to sound the Trumpet. If a Minister will declare it not to be his Duty to Preach Peace, your Lordships will easily judge what his Intentions were.

I know it is the Business of those that are Profelites to this Gentleman, to give out that we design to narrow our Obedience to Her Majesty; but, my Lords, we are far from it, and own the greatest Duty and Submission to our Sovereign, but we cannot bear, that a Reflection should be cast upon the Resistance that was us'd at the Revolution, and we hope your Lordships will never admit a Question to be rais'd of the Legality of it.

My Lords, The Acts of Settlement of the Crown depend upon that Legality, if that be Illegal, the others in Consequence are void; and tho' Her Majesty has an Hereditary Right to the Crown, yet I take those Acts to be Her great Security, and I can make no question, but that if the Foundations of those Acts

were

were shaken, the Doctor wou'd soon find another Hereditary Right to resort to.

My Lords, The Toleration is certainly grounded upon the best Principles, upon a Principle of Religion and a Principle of Policy. I think every Body will allow, that nothing can establish Peace in a Kingdom so well, as the granting Ease and Quiet to Mens Consciences; if they pay due Submission to the Government, they ought not to be persecuted for their Religion; it is for Her Majesty's Interest and Honour; for how can Her Majesty be the Head of the Protestant Interest abroad, if Protestants are not Protected at home?

It was the Observation of the Lord *Clarendon*, in his History, that some Eminent Clergymen prest King *Charles* the First to make Distinctions among Protestants, and that by their Advice his Ambassador in *France* was order'd not to go to the *Hugonot* Churches there, as he us'd to do; he lays it as an Imputation on those that gave the Advice, and makes this Remark, That it was with a Design of an Union with the Church of *Rome*, which prov'd of very ill Consequence to his Affairs at that time.

My Lords, We take it that it is contrary to the Duty of any Private Man to find Fault with a Law in Being, or to declaim against the Reasonableness of the same; it is raising in the People an ill Opinion of the Law-givers, and the Administration.

My Lords, There are some People, and I wish their Numbers do not increase, who will not allow the Church to be out of Danger, whilst the Civil Magistrate has the Government of the Church; these appear publicly and in Print, they cancel the Queen's Supremacy, deny the Authority of the Laws, and erect a Church Independent on the Civil Government; of this Church I take the Doctor to be, and very properly for his Purpose, for here he may thunder out his Bulls and Anathema's without Controul, here is a Field for him to open his Commission in, where he may sound his Trumpet, and not preach Peace.

But, my Lords, the Commons can never admit the Church, as Established by Law, to be in any Danger during Her Majesty's Administration; it being guarded by Her Majesty's Piety and Care of it; by the Reverend Bishops, who are so diligent and watchful in their Functions, and which will always have the utmost Assistance of the Commons and your Lordships, to support and maintain: As for their Independent Church, I hope it will ever be in Danger, and cannot but think that wholesome Severities were very proper to be apply'd to the Broachers of such Seditious Doctrines; they are Popish Principles, and if they should obtain here would certainly bring in Popery along with them.

My Lords, I cannot conclude, without taking Notice of a very unjust Reflection made upon the Commons in the Doctor's Answer, wherein he charges them with Designing to restrain the Ministers of the Gospel from doing their Duty, in recommending Piety and Virtue to their Auditors. These are Doctrines so proper to come from the Pulpit, that those that recommend them, will always meet with the Countenance and Encouragement of the House of Commons; but when a Clergyman acts contrary to his Function, and instead of reproving Vice and Immorality, takes upon him to reproach the Government; when instead of Preaching Peace, and Charity, and other Moral Virtues, he takes upon him to raise Jealousies, foment Divisions, and stir up Sedition, 'tis high time for the Justice of the Nation to put a Stop to it: As such a Person, we charge Doctor *Sacheverell*, and think we have made good our Charge, and cannot doubt your Lordships Justice upon the Offender.

And then the Lords Adjourned to their House above.

Thursday, March 2. The Fourth Day.

THE Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, came forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before:

Lord Chancellor. Gentlemen of the House of Commons, you may proceed in your Evidence.

Mr. Lechmere. MY Lords, Your Lordships adjourned Yesterday, when the Commons were proceeding on their Fourth Article, a Share of which Service was appointed to me: The Proofs, we insist on, in Maintenance of this Part of our Charge, have been laid before you with great Exactness, and all the Enforcements, they can well receive, have been already offer'd to you, by those Gentlemen, that have gone before me; so that I find my self acquitted from giving your Lordships much Trouble upon it.

The Charges, contain'd in the precedent Articles, are particular and distinct; Of so high a Nature in themselves, and of such eminent Consequence to Her Majesty and Her Government,

ment, that we have held our selves obliged, to treat each of them, with all imaginable Clearness and Solemnity; and this, my Lords, from that true Zeal and necessary Concern, with which the Commons, upon this great Occasion, are so justly inspired, for the Honour of Her Majesty, and the Prosperity of Her Kingdoms.

The Subject of this Article is laid down in General Positions, some of which are the Result and Consequence of the former Articles; and this will make it necessary to remind your Lordships of the Passages produced in support of them: The Application of them, to the several Branches of this Charge, is easie and obvious. The further Passages, that were Yesterday pointed out to you, are many in number, and the Assertions positive, scarce liable to any Constructions, more innocent in themselves, or more favourable for the Prisoner, than what hath been put upon them: But tho' the more flagrant parts of the Prisoner's Discourses have been distinguish'd to you, your Lordships can't fail of discerning that implacable Enmity, that runs through the whole: How little will your Lordships find in it of the Spirit of the Gospel, of the Temper of a Christian, or a good Subject, much less of a Messenger of Peace; no, my Lords, when the Heart is poisoned, the Corruption will be diffused throughout; when Principles are delivered from the Pulpit, that strike at the Root of the present Government, and our future Establishment, and are Taught as Fundamental Rules both of Law and Conscience; what kind of Proofs, what Exhortations are to be expected from such a Preacher? Surely, such only, as you have heard from this Man, such only, as may create universal Dissatisfaction, will disquiet the Minds, and tend to pervert the Obedience of the Subjects; such only, as shall be most likely to cherish and cultivate those Seeds of Sedition, which, when sufficiently Propagated, and brought up to their full Growth, can terminate in nothing less than a Total Destruction.

My Lords,

I am now to acquaint you, That the Commons have gone through their Charge, wherein they have been heard by you, with great Candor and Patience: And that imperfect View, which was the best I was able to give you, in opening the Charge, has been amply supply'd by the great Sufficiency of what has followed; And from thence, I think, I have good grounds to say to your Lordships, that this Impeachment of the Commons in every part of it, is substantially and effectually maintain'd.

And now, my Lords, craving leave of the Doctor to borrow a Phrase which stands at the head of the last Paragraph of his Sermon, *What is the Result* of this Proceeding hitherto? In opening the Charge, we considered him in the condition of a
Person

Person accus'd, but the Proofs having been produced, and the Evidence being unquestionable, even from his own Mouth, and by the Endeavours of other Gentlemen, to whose Provinces the several Tasks have fall'n, the false Colours of his Discourse being taken off, and his Scheme reduced to its true Consistency, give me leave to represent him to your Lordships in a true Light, and in his proper Colours.

Your Lordships now see this Gentleman, under the Reign of the greatest and best of Princes, that ever wore a Crown, whose Title to the Throne stands upon a more solid and indisputable Foundation than that of any Prince upon Earth, guarded and defended by the best Laws in the World, and the entire Affection of all Her true Subjects, and which none can draw in question with any other Design than to weaken its Support:

You see him, under an Establishment and Constitution, excellently contrived and adapted to answer all the good Ends of Government, and which has withstood the open Assaults of Arbitrary Princes, and the more crafty Attempts of Papal Encroachments; And which, since the true Religion was Established among us, has been preserved in despite of the dangerous Endeavours of Papists, by dividing Protestants, to make way for its Destruction; A Constitution, which happily recovered its self, at the Restoration, from the Confusion and Disorders, which the horrid and detestable Proceedings of Faction and Usurpation had thrown it into, and which after many Convulsions and Struggles, was providentially saved at the late happy Revolution; and by the many good Laws pass'd since that time, stands now upon a firmer Foundation; Together with the most comfortable prospect of Security to all Posterity, by the Settlement of the Crown in the Protestant Line:

Your Lordships have found this Person, at a time when the Church of *England* as by Law Established is in perfect Prosperity and Safety at Home, and in higher Reputation Abroad, than in any Age that has gone before it; At a time, when the Nation enjoys Peace and Tranquillity, and all the good Effects of a prudent and successful Administration, demonstrated by the Harmony and Unanimous Endeavours of all Her Majesty's true Subjects to support it,

In the most solemn and publick Manner, levelling the most virulent Discourse against Her Majesty's Title to the Crown, and against our present Establishment, and calculated to favour the Pretension of another.

Your Lordships find in it the same Principles reviv'd and avow'd in the same dangerous Extent by him, as in a late Reign, by the profess'd Instruments of Popery and Arbitrary Power, and apply'd in Condemnation of the Glorious Work of the late Happy Revolution, which delivered us from them;

Your

Your Lordships have found him, Arraigning the Honour of Her Majesty and Her Parliament, aspersing Her Administration both in Church and State, and with all imaginable Ardour and Vehemence stirring up Sedition, and exhorting to Rebellion; and that, in the Name of God Almighty, as a Person commissioned from Heaven to that End, and in the most prophane and prostitute Manner, abusing and wresting Scripture to those impious Purposes.

'Tis on those Grounds, that the Commons have charged the Crimes to have been committed by him with an Intent to undermine Her Majesty's Government, and to stir up Arms and Violence: And do your Lordships want further Evidence of this? Let us remind you of the Rebellion that has been rais'd, and that High-Treason that was committed, the last Night, by those Persons who abett the Prisoner!

I can't aggravate the Offence, your Lordships will duly consider the heighth and Quality of it, you will think of a Satisfaction suitable to that, and to the just Expectation of the Commons.

My Lords,

The Nature and Length of this Proceeding having occasion'd many Interruptions, we are yet assur'd, that no Misconstruction will be permitted by your Lordships, of what may have fall'n from any of us: We likewise take Notice to your Lordships, that the Commons have very readily acquiesc'd in your Appointment of Council to assist the Prisoner, Your Lordships informed us in the beginning of the Cause, that you did this in great Benignity to him, in assigning him those Council, which he himself had ask'd, and doubtless such, as are according to his own Heart's Desire: And the Commons are assur'd, that those Gentlemen will understand that Regard, which is due to the Nature of this Cause, and to the Dignity of a Proceeding, wherein the Commons of *Great Britain* appear as Prosecutors.

The Commons conceive, they have Reason to take great Satisfaction from this Proceeding, whereby they have the Opportunity, in the most solemn Manner, before the most August Judicature in the World, to assert the Freedom and Excellency of our Government, and the Justice of the present Establishment: This single Consideration shews your Lordships of what Malignity the Prisoner is capable, who has thus set himself to disorder and destroy so happy and so beautiful a Constitution.

We desire to put your Lordships in mind of those Felicities, which in our Opinions, accompany this Prosecution; when we see so many of your Lordships the Judges of this Great Cause, who had so great a Share in that Deliverance, which we are now called upon to vindicate; so many others of your
Lord-

Lordships, the Sons of those Fathers, who joined in it; and who have the same Blood still running in your Lordships Veins: And when we consider that firm and steady Zeal, which every one of your Lordships have shewn in Support of the present Settlement, what Doubt can we entertain of your most impartial Justice?

We further observe it, as the great Security of our Impeachment, That no Endeavours can prevail to prevent your Judgment upon it, nor any Means succeed to defeat its Effects.

And on t'other Hand, we have before our Eyes the many good Consequences, which that Part, which the Commons have taken on themselves, will certainly produce; that Strength and Vigour 'twill add to the great Affairs of the Kingdom, and of all *Europe*, at this Critical Juncture, when the World shall see that the Commons of *Great Britain*, who have been so unanimous in Defence and Support of the Common Cause of Peace and Liberty Abroad, are thus zealous to find out and extirpate that Malignant Humour, which alone can endanger it at Home: That, whilst the Common Oppressor feels the Effects of Her Majesty's Arms, the intestine Enemies of the Nation, and of Her Government, (in the Instance of the Prisoner) may see and consider the Force and Weight of the highest Resentment of the Commons.

Those good Effects will receive yet greater Enforcements from your Lordships Judgment; which, when it becomes Publick, will be an effectual Confutation, or an unanswerable Treatise against the pestilent Doctrines advanced by the Prisoner.

The Firmness of your Proceedings will give the same Steadiness and Vigour to all others Part of the Administration, which will henceforward strive to imitate your Lordships in so great an Example; And 'twill strike due Terror on those Minds, in which the same destructive Errors have taken Root.

And my Lords, what Comfort and Peace must it bring to all her Majesty's faithful Subjects, to see her Majesty's undoubted Title, the Wisdom of her Administration, and the Protestant Succession, so effectually supported by your Lordships Judgment?

My Lords, We have thought it necessary, in discharge of the great Trust reposed in us by the Commons, to go through the whole Charge together, that your Lordships might have it entire: I am now only to add, That they do reserve to themselves the Liberty of replying to what shall be offered on behalf of the Prisoner, and of every other Legal Advantage that shall arise to them in the Progress of their Impeachment.

Lord Chancellor. Gentlemen of the House of Commons, have you gone through the Charge?

Mr. *Leckmere*. My Lords, we have.

Lord Chancellor. Then you that are appointed Council for Doctor *Sacheverell* may proceed to his Defence.

Sir Simon Harcourt. My Lords, There having been already three whole days spent by the Gentlemen of the House of Commons in Maintenance of their Charge, and this Day being so far spent, I am bound in Duty humbly to represent to your Lordships, that it will be impossible for us to go through the very first Article so as to finish in any reasonable Time. My Lords, we humbly expect your Lordships Commands.

Lords. Go on, go on.

Sir Simon Harcourt. My Lords, We must receive your Lordships Commands; we think it of great Importance to go through the first Article at once, if your Lordships please to give us Leave.

Then the Lords Adjourned to their House above.

Friday, March 3. The Fifth Day.

THE Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save Thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before:

Lord Chancellor. Gentlemen, you that are Council for the Prisoner, may proceed to his Defence.

Sir Simon Harcourt. MAY it please your Lordships, I am Council for Doctor *Sacheverell*, who stands Impeached in the Name of all the Commons of *Great Britain* of High Crimes and Misdemeanors; the Crimes supposed to have been committed by him are contain'd in four Articles; I beg leave to postpone the three last, without mentioning any thing of them, 'till we have all concluded what we have to offer and lay before your Lordships, as to the several Charges contain'd in the First, and endeavour'd to satisfy your Lordships, That, notwithstanding what has been objected by the Gentlemen of the House of Commons against the Doctor, in Maintenance of that Article, he is as innocent Man.

Man. The First Article contains three distinct Charges, we shall proceed on them as they lye in order, The first of them is, " That he Suggests and Maintains, that the Necessary Means " used to bring about the late Happy Revolution were odious " and unjustifiable. Your Lordships have been inform'd, that by this Expression of, *the Necessary Means*, mention'd in the First Article, the Gentlemen of the House of Commons intend his late Majesty's Glorious Enterprize for Delivering this Kingdom from Popery and Arbitrary Power, and the Subjects of this Realm well affected to their Country, joyning with, and assisting him in that Enterprize. In a shorter Description it has been explain'd, that these *Necessary Means* were the Subjects Resistance to their Unfortunate Prince then upon the Throne. Of this Resistance the Doctor has made no mention in his Sermon; he has indeed affirm'd the utter Illegality of Resistance on any Pretence whatsoever to the Supreme Power; but it can't be pretended, there was any such Resistance used at the Revolution; the Supreme Power in this Kingdom is the Legislative Power, and the Revolution took effect by the Lords and Commons concurring and assisting in it. Whatever therefore the Doctor has asserted of the utter Illegality of Resistance, his Assertion being applied to the Supreme Power, can't relate to any Resistance used at the Revolution, and consequently, can't be an Affirmance, that such Resistance, or such Necessary Means, were Odious and Unjustifiable. One of the Learned Gentlemen, who spoke the third Day of this Trial, in Maintenance of the last Article, concurr'd with me in this, and objected it to the Doctor, That he had guarded himself by confining his Assertion to the Supreme Power, and that he had not averr'd the utter Illegality of Resistance to the Queen; but had he in express Terms affirm'd the Unlawfulness of such Resistance, yet by the same Arguments which have been used, the Doctor would have been told he had been preaching a slavish Doctrine. My Lords, another Gentleman of the House of Commons (I think there were but two of them who took notice of this Expression of the Doctor's of *the Supreme Power*) observ'd, that the Doctor had asserted the Illegality of Resistance to the Supreme Power on any Pretence whatsoever, which Power he admitted was the Legislative, and declar'd, if the Doctor had really meant that Power, he should not have differ'd from him; and without doubt, your Lordships and all Persons will concur with him in this, that 'tis utterly unlawful to resist the Supreme Power. But that Gentlemen being satisfied, that tho' the Doctor expressly mention'd the Supreme Power, which is the Legislative, yet he certainly intended the Supreme Executive Power, concluded he was guilty of this Charge in the first Article; and mention'd it as an Instance of the great Mercy and Lenity of the House of Commons, that they had not proceeded against him for High

Treason, as a *Parson* in one of the late Reigns was Prosecuted for Words, which he thought less offensive, and dangerous, than this Assertion preached by Dr. *Sacheverell*; and yet that Gentleman was pleased to say, That had a Dissenter, whose Affection to the Government was unsuspected, express'd himself, as the Doctor did, the Gentlemen of the House of Commons would not have thought fit to have prosecuted him. That Case which was alluded to, I take to be the Case of Mr. *Roswell*, a Non-conformist Minister; he was Indicted in the 36 Car. II. for Words spoke by him in a Sermon preach'd at a Meeting-house, 'twas a Prosecution carried on through the Violence of those Times, and generally detested; he was Convicted; but on cooler Thoughts, and Consideration of the Uncertainty in his Expressions, that they could not amount to such a Crime, as he stood charged with, Judgment was Arrested, and Mr. *Roswell* was discharg'd. Another Learned Gentleman, who open'd the Charge, was of Opinion, that the Doctor, in his Assertion of the Illegality of Resistance to the Supreme Power, does really neither mean the Legislative nor Executive Power, but that he had the Pretender in his View. This is diving into the Secrets of his Heart, and searching into his Thoughts, which God only knows; this was urg'd, to avoid the strange Inconsistency, in concluding, that the Doctor was endeavouring to undermine the Government, by Preaching up the utter Illegality of Resisting it.

My Lords, If there be a double Sense, in either of which those Words are equally capable of being understood; if in one Sense the Doctor's Assertion be undeniably clear, but in the other some Doubt might arise, whether his Words be Criminal or not, the Law of *England* is more merciful, than to make any Man a Criminal, by construing his Words, against the Natural Import of them, in the worst Sense. This is the great Justice and Clemency of our Law in every Man's Case; but some Persons are intitled to have a more favourable Construction put on all their Words and Actions, than others are, such as Persons acting in Execution of their Offices, in Obedience to Authority, or by a Commission from the Crown, such Persons are look'd upon, as under the immediate Protection and Care of the Law: How much more reasonable is it, that Ministers of the Gospel, who have their Commission from God, and speak in the Name of God, should have the most candid Interpretation made of whatever they say. This, I am perswaded, was one of the chief Reasons which in the Case of Mr. *Roswell* allay'd the Rage of that Reign, and at that time obtained Mercy for him, though a Non-conformist Minister under a Conviction of High-Treason. 'Tis a hard Fate attends this unhappy Gentleman, if he must inevitably lye under the Imputation of being thought an Enemy to the Revolution, and to our present happy Establishment, on that Foundation. What Evidence will your Lordships

Lordships expect he should produce to clear himself? He has shewn his Submission to the Revolution, from the first Moment his Years made him capable of doing so; he has given all the publick Testimonies of his Fidelity and Affection to the last Reign, as well as the present, which the Government has at any time required from the most suspected Persons; he has taken the Oath of Allegiance, signed the Association, and took the Abjuration. 'Tis a miserable Case any Man is in, if after he has taken the Abjuration, the utmost which is required, he shall still be told, he has indeed abjur'd the Pretender, but hath not yet forgot him. If neither the Inoffensiveness of the Doctor's Behaviour, neither his Words, nor Oaths can satisfy, if after all these Demonstrations the Doctor has given of his Fidelity, he is still liable to be censured, what Satisfaction is it possible for him to give?

My Lords, If the Manner of this solemn Prosecution has not alter'd the Nature of Things, I hope I may insist, without putting in a Claim of Right in behalf of all the factious and seditious People in the Kingdom to revile the Government at Pleasure, That by the happy Constitution under which we live, a Subject of *England* is not to be made Criminal by a labour'd Construction of doubtful Words; or when that can't serve, by departing from his Words, and resorting to his Meaning. Too many Instances there were of this Nature before the late happy Revolution; but that put an End to such Arbitrary Constructions.

I might trouble your Lordships on this Head with Multitudes of Authorities, but I shall mention only one, 'tis an Authority of your Lordships, upon a Writ of Error, immediately after the Revolution; Sir *Samuel Barnardiston's* Case; and I beg leave to refer to your Lordships Journal, *May 14, 1689.* 'Twas that Gentleman's Misfortune to be called in Question in the Reign of King *Charles the Second* (*Hill Term 1683.*) for writing some Letters supposed to be Seditious, and highly reflecting on the Government, and the publick Justice of the Nation at that time. Upon his Tryal he was represented as a Seditious Man, and one of a turbulent Spirit; and being so painted by the Chief Justice who try'd him, tho' his Actions were inoffensive, notwithstanding his Innocence, a Verdict was obtain'd against him, and when he came to receive Judgment, not being look'd upon as an inconsiderable Man, not as a Tool of his Party, but as one of the Heads of it, a Fine of ten thousand Pounds was set on him. I beg leave to lay before your Lordships what you did in that Case. Your Lordships Reversed that Judgment, and as a Glorious Instance of your Justice, not contenting your selves with the Right you had done in the Case then before you, at the same time provided, as far as was possible, that no innocent Person, in after Ages, might suffer Wrong.

Your Lordships therefore, in an extraordinary Manner, ordered the Reasons of your Judgment to be enter'd in your Journal, and they are enter'd in the following Words: " First, the
 " Information in this Case being grounded upon Letters, which
 " in themselves were not Criminal, but made so by Innuendo's,
 " your Lordships declar'd that Innuendo's, or suppos'd and forc'd
 " Constructions, ought not to be allow'd, for all Accusations
 " should be plain, and the Crimes ascertain'd. My Lords, I hope it's unnecessary to my present Purpose, to read to you the second Reason; but as it was another Instance of your Lordships Justice, which ought never to be forgot, I shall take the Liberty of doing it: It relates to the Fine of Ten thousand Pounds. Tho' Sir *Samuel Barnardiston* was a Gentleman of a very considerable Estate, your Lordships declar'd, " Secondly, That
 " this Fine of Ten thousand Pounds is exorbitant, and excessive,
 " and not warranted by Legal Precedent in former Ages; for all
 " Fines ought to be with a *Salvo contentamento suo*, and not to
 " the Party's Ruin. These were your Lordships Declarations in that Case; if there be any Uncertainty or Doubt in the Doctor's Expressions, your Lordships, I hope, will put the most favourable Construction on them. What I have hitherto offer'd is, with *Relation* to these Words, *The Supreme Power*; but that which I take to be the main *Objection* in this Case, is, that the Doctor's Assertion of the Illegality of Resistance must be necessarily understood with Reference to the Executive Power: And if it be utterly illegal, in any Case, upon any Pretence whatsoever, then 'twas unlawful at the Revolution; and from thence the Consequence is drawn, that the Doctor is guilty of this first Charge, of maintaining, *That the necessary Means used to bring about the happy Revolution were odious and unjustifiable*. This I take to be the Force of the Objection.

My Lords, I admit the Doctor has in General Terms asserted this Proposition of the Illegality of Resistance to the Supreme Power on any Pretence whatsoever; and yet I am not altogether without Hopes, but that I shall be able to satisfy even the Gentlemen of the House of Commons, whether that Expression be understood of the Legislative, or Executive Power, that he is an innocent Man, notwithstanding that Assertion.

My Lords, There is nothing further from our Hearts, nor is any thing less necessary to the Doctor's Defence, than for us to dispute or to call in question the Justice of the Revolution; we are so far from it, that we look on our selves to be arguing for it, whilst we are endeavouring to shew your Lordships, that the Resistance used at the Revolution is not inconsistent with the Doctrine of the Church of *England*, and with the Law of *England*, and that the Doctor uses no other Language than what they both speak. When your Lordships have laid aside what was urg'd the second Day, to shew

shew the Justice of the Revolution, and to aggravate the Doctor's Offence, supposing him guilty, this Matter will lie in a very narrow Compass; and I am in hopes there will not appear to be so great a Difference as hath been represented, between the Doctor in his Assertion concerning the Illegality of Resistance, and some of the Gentlemen of the House of Commons; I can't say, that I differ from many of them in their Notions of Allegiance, as stated the second Day of this Tryal.

My Lords, The first thing on which I humbly insist, supposing this general Assertion to relate to the Supreme Executive Power, is, that the Doctor has not in any part of his Sermon ply it to the particular Case of the Revolution.

'Twas insisted on the first Day, that he had not only asserted the utter Illegality of Resistance to the Supreme Power, on any Pretence whatsoever; but also, that he had expressly affirm'd, that the Revolution was not such a Case as ought to be excepted out of his General Rule. This I deny: If such an Expression can be found in the Doctor's Sermon, I shall think no Punishment too great for him. 'Tis one thing expressly to affirm the Revolution is such a Case as ought not to be excepted out of the General Rule, and another thing, not to make the Exception. The Apostle, who in general Terms enjoins the Duties of Obedience and Non-Resistance to the higher Powers, makes no Exception when he lays down those Precepts; nor on the other side does he say, no such Case can ever happen, wherein Obedience is not to be paid, or Resistance not to be made. He is silent in that Matter; and the Doctor's Expression, in this Case, is agreeable with that of the Apostle. To prove the Doctor guilty of this first Charge, and that he had directly applied his General Rule of the Illegality of Resistance to the Supreme Power, to the particular Case of the Revolution, a Learned Gentleman (whose Province 'twas to maintain the first Article) on the second Day of this Trial, first stated to your Lordships the Page wherein the Doctor mentions the utter Illegality of Resistance, and read that Passage in the following Words: "The Grand Security of our Government, and the
 "very Pillar upon which it stands, is founded upon the steady
 "Belief of the Subjects Obligation to an absolute and uncon-
 "ditional Obedience to the Supreme Power, in all things law-
 "ful, and the utter Illegality of Resistance upon any Pretence
 "whatsoever. And then, says he, the Doctor goes on, and
 "says, "Our Adversaries think they effectually stop our Mouths, and
 "have us sure and unanswerable on this Point, when they urge
 "the Revolution of this Day in their Defence. This might very
 reasonably make an Impression upon your Lordships, not comparing those several Passages in the Doctor's Sermon, at the same time that Objection was made. But I beg your Lordships will observe the distance of these two Passages from each other,

between twenty and thirty Lines, in which several distinct and entire Sentences are contain'd, to which that last Passage of *our Adversaries*, &c. plainly relates. The next Method us'd to prove the Doctor guilty, was by taking the Passage in it self, independently from any other; and this I own to be the true way of considering it: And taking it thus, 'tis objected, If in no Case whatsoever 'tis lawful to resist, 'twas then unlawful at the Revolution. Such a Doctrine must be a slavish Doctrine. An unlimited Passive Obedience and Non-Resistance is a slavish Notion.

My Lords, Dr. *Sacheverell* does not contend for it, nor is there any thing mention'd in his Sermon of such an Obedience or Non-Resistance. There is but this small Difference between the Gentlemen of the House of Commons, who think this Expression so highly Criminal, and the Doctor, who still conceives it to be otherwise; whether, when the General Rule of Obedience is taught, the particular Exceptions, which may be made out of that Rule, are always to be express'd; or whether, when the General Rule is laid down, the particular Exceptions, which might be made out of that Rule, are not more properly to be understood or implied.

I humbly apprehend, my Lords, that extraordinary Cases, Cases of Necessity, are always implied, tho' not express'd, in the General Rule. Such a Case undoubtedly the Revolution was, when our late unhappy Sovereign, then upon the Throne, mis-led by evil Counsellors, endeavour'd to subvert and extirpate the Protestant Religion, and the Laws and Liberties of the Kingdom. The General Rule ought always to be press'd, but the Exceptions of extraordinary Cases, or Cases of Necessity, are never particularly to be stated. To point out every such Case before hand is as impossible, as it is for a Man in his Senses not to perceive plainly when such a Case happens.

Every Minister of the Gospel is sufficiently instructed from the Doctrine of his Church, from the written Laws of the Land, and the Law of God, to press the general Duty of Obedience; but such extraordinary Cases, wherein Resistance is lawful, wherein it becomes an indispensable Duty, are no where laid down. The same Apostle, who enjoins Obedience and Non-Resistance to the Higher Powers, commands also Servants to obey their Masters, and Children their Parents, in all things: Notwithstanding which general Precepts, many Cases may happen, wherein it may be not only unfit, but sinful for Servants to obey their Masters, or Children their Parents. And yet the Apostle never thought it proper to state, or mention those Cases, but contented himself to press the Duty of Subjection in general, leaving such Cases, when they happened, to justify themselves.

Such Cases, my Lords, with respect to Resistance against the Supreme Power, are no way fit to consider'd, but in Parliament; and even the Parliament it self hath never yet thought fit otherways to consider them, than by way of Retrospect, to justify what had of Necessity been done in those Cases, but never went so far as to enumerate the Cases of that kind, which might happen for the future, wherein it might be lawful for the Subject to resist; nothing being more evident, than that the Subjects would be sometime or other thereby tempted to exceed their just Liberty.

I beg leave to close what I have humbly offer'd to your Lordships on this Head, with an Observation I borrow from Mr. Pym, at his delivering the Charge against Dr. *Manwaring*; Mr. Pym, speaking of the Dutchy of *Normandy*, observes, that that Dutchy having been oppressed with some Grievances, contrary to their Franchises, made their Complaint to *Lewis* the Tenth, who by his Charter acknowledging the Right and Custom of the Country, and that they had been unjustly griev'd, did grant and provide that from thenceforward they should be free from all Subsidies and Exactions to be impos'd by him, and his Successors, yet with this Clause, *Unless when great Necessity required*; which small Exception, Mr. Pym observed, had devoured all their Immunities granted by that Charter. I think I may as reasonably conclude, that if Clergymen, or others, in their Sermons, Writings or publick Discourses, instead of Preaching up the General Rule of Obedience, are permitted to state the several extraordinary Cases which may arise, the several excepted Cases, which, notwithstanding the General Rule, are implied; such Exceptions will in time devour all Allegiance.

Having thus stated to your Lordships the Question between us, whether such excepted Cases, as the Revolution was, are not more proper to be left as imply'd, than to be express'd, when the general Duty of Obedience is taught; I shall endeavour to satisfy your Lordships, First, That the Doctor's Assertion of the Illegality of Resistance to the Supreme Power on any Pretence whatsoever, in general Terms, without expressing any Exception, or that any Exception is to be made, is warranted by the Authority of the Church of England: And, Secondly, That this Manner of Expression is agreeable to the Law of England.

First, That 'tis warranted by the Authority of the Church. Your Lordships were inform'd, on the first Day of this Tryal, with how much Bravery even our Popish Ancestors asserted the Legality and indispensable Duty of Resistance, when ever they thought the Liberty of their Country requir'd it; but that at the Reformation, when Truth began to shine out, then it became evident that this Notion of the Illegality of Resistance was a slavish Doctrine. The Learned Gentleman undoubtedly

doubtedly pitch'd on a very proper Time to begin his Search after Truth; and from thence I shall endeavour to trace it.

One very early Authority I find; 'twas indeed in the Dawn of the Reformation, in a Book intitl'd, *A Necessary Doctrine and Erudition for any Christian Man*, publish'd by the King's Command, 34 H. 8. 'Twas a Treatise compos'd by the Direction of *Cranmer*, by *Rydley*, *Redmayn*, and other very great and learned Men. I find it highly commended in the History of the Reformation (Part 1. Book 3. Pag. 286.) The Reverend Author of that History gives an Account how well the Reformers were employ'd (*Anno* 1540.) though not in the way of Convocation; That a select Number of them sat, by Virtue of a Commission from the King, confirm'd in Parliament; and that their first Work was to draw up a Declaration of the Christian Doctrine for the necessary Erudition of a Christian Man; and (*Pag.* 293.) that 'twas finish'd and set forth, with a Preface, written by those of the Clergy who had been employ'd in it, declaring with what Care they had examin'd the Scriptures, and the ancient Doctors, out of whom they had faithfully gather'd that Exposition of the Christian Faith. In this Treatise I find these Passages: (in the Exposition of the Fifth Commandment) " And by this Commandment also Subjects be bound not to withdraw their Fealty, Truth, Love, and Obedience towards their Prince, for any Cause whatsoever it be; nor for any Cause they may conspire against his Person, nor do any thing towards the Hindrance or Hurt thereof, nor of his Estate. (In the Exposition of the Sixth Commandment :) " Moreover, no Subjects may draw their Swords against their Prince for any Cause whatsoever it be. The Reverend Father of our Church, to whom the Publick is so much indebted for that Excellent History of the Reformation, and who has received the just Thanks of both Houses of Parliament for it (*Pag.* 291.) declares those Expositions of the Commandments to be very profitable.

My Lords, Though the Treatise, in which I find these Expositions, was publish'd in a Popish Reign, yet as an undeniable Evidence that the Doctrine of Non-Resistance there taught is a Protestant Doctrine, I shall shew your Lordships the Reverend Author of the History of the Reformation has himself asserted it, in much stronger Terms, than Doctor *Sacheverell* has done. In *Edward* the Sixth's time the glorious Light of the Gospel shone out. The first Book of the Homilies, prepar'd by the Clergy, was then publish'd by the Royal Authority; in which were three Parts of a Homily, or rather three distinct Homilies of Obedience. In one of which is the Passage mention'd in the Doctor's Answer. " Here, good People, mark diligently; Is it not lawful for Inferiors, and Subjects, in any

“ any case, to resist and stand against the Superior Powers, for
 “ St. *Paul's* Words be plain, that whosoever withstandeth, shall
 “ get to themselves Damnation; for whosoever withstandeth,
 “ withstandeth the Ordinance of God.” In Queen *Mary's*
 Reign, the Light of the Gospel was eclips'd, and the Darkeness
 of Popery again overspread the Nation. Resistance to Princes
 being a Doctrine of the Church of *Rome*, your Lordships will
 not expect any Authentick Evidence to be produc'd out of that
 Reign, in Maintenance of the Doctrine of Non-Resistance.

When Queen *Elizabeth* came to the Crown, the Truth of
 the Gospel shone forth in its full Lustre, and then six Homi-
 lies were added to the other three against Disobedience and wil-
 ful Rebellion: In which your Lordships will find many Pas-
 sages wherein the Duty of Non-Resistance is pressed and incul-
 cated, in much stronger Terms than it hath been asserted by
 Dr. *Sacheverell*. In that glorious Reign, the Thirty Nine Ar-
 ticles of our Religion were agreed upon by the Archbishops and
 Bishops of both Provinces, and the Clergy in Convocation; by
 the 35th of which, the Homilies are declar'd to contain a *God-
 ly and Wholesome Doctrine*, and are order'd to be read in Chur-
 ches, by the Ministers, diligently and distinctly, that they may
 be understood of the People. In the 13th Year of that Reign,
 a further Sanction was given to the Homilies; the 39 Articles
 were then confirm'd, and every Person in Holy Orders to be
 admitted to any Benefice with Cure, was requir'd by Act of
 Parliament made in that Year to subscribe and read them in the
 Church, and declare his unfeigned Assent thereto.

My Lords, We have now a most gracious Sovereign on the
 Throne, as far surpassing her Renowned Predecessor Queen *E-
 lizabeth*, in the effectual Support She gives to the Protestant In-
 terest, and in Her Pious Care for the perpetual Security of the
 Church of *England*, as in all the other Successes and Glories
 of her Reign. In this Reign a perpetual Sanction is given to
 the Books of the Homilies, by inserting in the Act of *Union*
 the Act made the 13th *Eliz.* which confirms the 39 Articles,
 by the 35th of which the Doctrine of the Church taught in the
 Homilies is approv'd; and declaring that Act, 13 *Eliz.* to be an
Essential and Fundamental Part of the Act of Union: so that I
 may now conclude, the Doctrine of the Church of *England*
 taught in her Homilies, must continue as long as the Union
 of the two Kingdoms, which I heartily pray may be to the
 World's end. On these Authorities do the Homilies of our
 Church subsist; and as they are thus ratifi'd by the Articles and
 Acts of Parliament, the Doctor has the concurrent Authority
 of the Church and State, for what he has said concerning the
 Illegality of Resistance.

My Lords, Is this Doctrine of Non-Resistance taught in the
 Homilies in general Terms, in the same manner as Doctor *Sache-
 verell*

verell has asserted it, without expressing any Exception; Do the Articles of our Religion declare the Doctrine taught in the Homilies to be a Godly and Wholesom Doctrine, and will your Lordships permit this Gentleman to suffer for preaching it? Is it Criminal in any Man to preach that Doctrine, which 'tis his Duty to read? The Doctor is not only requir'd by the 35th Article to read this Doctrine diligently, and distinctly, that it may be understood by the People; but to shew your Lordships, the Doctrine taught in the Homilies did not die, nor was alter'd at the Revolution, I must observe to your Lordships, that the Rubrick of the Office appointed for the 5th of *November*, by the late Queen of blessed Memory, directs the Clergy on that Day, if there be no Sermon, to read one of these Homilies against Rebellion. Since the Doctor chose rather to preach, than to read a Homily on that Day, how could he better comply with the Command of Her late Majesty, than by preaching the same Doctrine as was contain'd in those Homilies he was commanded to read on that Day, if he did not preach? Does an Act of Parliament, inserted in the Act of Union, enjoin him to subscribe to this Doctrine before the Ordinary, and declare his unfeign'd Assent to it, in his Parish Church, and shall he be condemn'd in Parliament for asserting the Truth of it? I must admit this 35th Article of our Religion is not by the Toleration Act (I will give no Offence by calling it by its true Name) requir'd to be subscrib'd by any Persons Dissenting from the Church of *England*, to intitle them to their Exemption from the Penalties mention'd in that Act. But that Act of Parliament no way varies the Case with respect to the Clergy; so that whatever Duty was incumbent on them before, is so still: and therefore I hope your Lordships will not think this Gentleman has so highly offended.

cc As a further Proof that this Doctrine of Non-Resistance, as laid down by the Doctor in general Terms, without making any Exception, is the Doctrine of the Church in *England*, I shall shew your Lordships, that it has been so preach'd, maintain'd, and avow'd, and in much stronger Terms than the Doctor has express'd himself, by our most Orthodox and able Divines from the Time of the Reformation. 'Twould be endless to offer to your Lordships all the Authorities I might produce on this occasion; but we shall beg your Lordships Patience to lay before you some Passages out of the learned Writings of several Reverend Fathers of our Church, of nine Archbishops, above twenty Bishops, and of several other very eminent and learned Men.

That your Lordships may not think this Doctrine died at the Revolution, I shall humbly lay before your Lordships the Opinions of three Archbishops, and eleven Bishops, made since the Revolution, which will fully shew the Doctrine of Non-Resistance is still the Doctrine of our Church; I would not wil-

lingly

lingly give Offence in naming them, I am sure I mean no Reflection, nor can it, as I think, be any Reproach to them: I find no other Doctrine in this case taught by them, as far as I am able to judge, than what the Apostles taught before them. With your Lordships leave, I will therefore presume to name them. Arch-Bishop *Tillotson*, the two present Arch-Bishops, Bishop *Stillingfleet* late Bishop of *Worcester*, the present Bishops of *Worcester*, *Rocheſter*, *Salisbury*, *Ely*, *Bath* and *Wells*, *Lincoln*, *Exeter*, *St. Aſaph*, *Carlisle*, and *Chicheſter*. If I am able to ſhew your Lordships that all theſe Right Reverend Fathers of our Church have preached the ſame Doctrine the Doctor has, are the ſame Words coming out of their Mouths to be receiv'd as Oracles of Truth, but ſpoke by the Doctor fit for Articles of Impeachment? I am ſure it's impoſſible to enter into the Heart of Man to conceive, that what theſe Reverend Prelates have aſſerted, that any general Poſition they have laid down concerning Non-Resistance, is an Affirmance that the Neceſſary Means uſed to bring about the Revolution were *Odious* and *Unjuſtifiable*: Why then is Doctor *Sacheverell*, by having taught the ſame Doctrine, in the ſame manner as they did, to be Charg'd for having ſuggeſted or maintain'd any ſuch thing?

My Lords, I dare not ſuppoſe this Doctrine, thus eſtabliſh'd by ſo many Reverend Fathers of our Church, to be Erroneous. If an intemperate Expreſſion of one ſingle Archbiſhop above a hundred Years ſince dead, is fit to be inserted in an Article of Impeachment of High Crimes and Miſdemeanors, what Punishment ſhould I deſerve, could I ſuppoſe the Doctrine taught by ſo many Archbiſhops and Biſhops to be erroneous? But if I might hope to be excus'd, if I made the Suppoſition, that the Homilies of our Church contain falſe Doctrine, and that ſo many of the Right Reverend Fathers of our Church are capable of erring, or being ignorant in the Doctrine of their Church, I humbly propoſe it to your Lordships, whether a Clergyman who errs after ſuch great Examples, might not reaſonably have hop'd for a more moderate Correction, than an Impeachment! Had this ſlavish Doctrine of Non-Resistance been firſt branded with its indelible Mark of Infamy, and the right and indiſpenſible Duty of Resistance to Princes plainly ſhewn; had all the ſlavish Notions of the Common Law which we find diſpers'd throughout our Law Books, which give Countenance to this Doctrine of Non-Resistance, been firſt weeded out of them, and ſome few Acts of Parliament entirely agreeable with this ſlavish Doctrine, been firſt repeal'd; had the People been ſet right in the Notions of their Obedience, and the Miniſters of the Goſpel been inſtructed by Act of Parliament what Doctrine they ought to preach, and what not; had all theſe things been firſt done, and the Doctor had afterwards err'd, your Lordships might have then look'd upon him, as an obſtinate Offender.

The next thing I beg leave to consider is, the Law of England; whether the Doctor's Assertion of the utter Illegality of Resistance to the Supreme Power on any Pretence whatsoever, in general Terms, is agreeable to the Law of England. I hope I need not again explain my self as to this Particular, I mean, that as the general Rule is always taught and inculcated by the Church, so has it always been declar'd by the Legislature, without making any particular Exception; and if this Rule holds both in Church and State, this Gentleman is strangely unfortunate, if he can't be comprehended under one, or other of them.

My Lords, Whatever may at any time heretofore have been thought proper to be done by Parliament; whatever Measures, in Cases of the last Necessity, may at any time have been taken by the People in general, for preserving their Liberty, or asserting the Rights of their Country, and keeping themselves from Slavery; yet in no Age can any Instance be shew'd, not in the Reigns of those Princes who have been depos'd, that this Doctrine, of the Right of Resistance, as it has been term'd, was ever permitted to be asserted by any particular Person. A memorable Case to this purpose happen'd in the Reign of King *Edward* the Second; an Act of Parliament pass'd in the fifteenth Year of that Reign, intitled, *Exilium Hugonis de Spencer Patris, & Filii*. The two *Spencers* were banish'd by that Act, and the first Article in that Act against them is, "that they had affirm'd and
 " publish'd in Writing, that Homage and Oath of Allegiance were
 " due more by Reason of the Crown, than by Reason of the
 " Person of the King; and that if the King did not demean him-
 " self according to Reason, in the Exercise of his Government, his
 " Subjects might remove him: And that since that Removal
 " could not be by Course of Law, they might therefore re-
 " move him by Force. The time when this Act pass'd, and what afterwards happen'd, is remarkable. The Act, very soon after the making it, was repeal'd, and 'twas thought necessary in that Reign the People should assert that Right, and thereupon the King was depos'd. But your Lordships will find in his Successor's Reign, they were so far from casting any Blot on the Act of Exile, that in the 1 *Edw.* 3. by one of their first Acts, the Repeal of the Exile was annulled, and the Act of Exile confirm'd. It is true, that in the 21st Year of *Rich.* 2. the Act made in the 1st *Edw.* 3. for annulling the Repeal of the Exile, was repeal'd, and the Reversal of the Act of Exile confirm'd; but in the 1st of *Hen.* 4. the whole Parliament held the 21st *Rich.* 2. and all the Proceedings in it, for their Extravagance, were annulled, and from thence the Act of Exile of the two *Spencers* continued untouch'd. I must humbly observe to your Lordships, that tho' there were two Repeals of the Act of Exile, yet neither of them mention'd the Matter contain'd in the Articles as insufficient, but the Reasons assign'd in the Acts of Reversal
 are,

are, that "in the Proceedings against the *Spencers* the great Character was not observ'd, that the Prelates were not present, and "did not assent thereto; and some other Defects in Form. What Opinion our greatest Lawyers have since had of this Act of Exile, sufficiently appears Co. 7. 11. *Calvin's Case*, the Words are these, "In the Reign of *Edw. 2.* the *Spencers*, the Father "and the Son, to cover the Treason hatch'd in their Hearts, "invented this damnable and damn'd Opinion, That Homage "and Oath of Leigeance was more by reason of the King's "Crown, (that is of his Politick Capacity) than by reason of "the Person of the King; upon which Opinion, says the Lord "Chief Justice *Cook*, they inferr'd most execrable and detestable Consequences. First, If the King do not demean himself by Reason in the Right of his Crown, his Leiges are "bound by Oath to remove the King. Secondly, Seeing that "the King could not be reform'd by Suit of Law, that ought "to be done by Force: All which were condemned by two "Parliaments, one in the Reign of *Edw. 2.* called, *Exilium Hugonis Le Spencer*, and the other 1 *Edw. 3. Cap. 1.* I barely mention these Acts to show, that however applicable the Case of the Revolution might be to that of King *Ed. 2.* yet that those very Persons, by whom the King was depos'd, thought it so high a Crime in the two *Spencers*, to take on them to publish such Positions, as to deserve Banishment. The next Law I beg leave to mention, is the 25 *Edw. 3. Cap. 2.* By which, *the levying War against the King in his Realm* is declar'd, in general Terms, to be *High Treason*, without any Exception whatsoever: This is an Instance of what I am contending for, that the Law, in all Cases concerning our Allegiance, lays down the general Rule, without making any Exception. So in the Oath of Obedience (as enjoin'd 3 *Jac. 1. 4.*) all Persons are to swear *to defend the King to the utmost of their Power, against all Conspiracies and Attempts whatsoever, which shall or may be made against his Person, Crown, or Dignity.* The Oath is in general, without any Exception express'd in it; and no Man will presume to say that Oath, which was taken from the 3 *Jac. 1.* 'till after the Revolution, was not true. But the Answer to be given is, what I give in this Case, that Cases of Necessity, such as the Revolution, were imply'd, they are improper to be express'd; and why ought not the like Implication equally to be allow'd in the General Assertion made by Doctor *Sacheverell*? By the Act made 12 *Car. 2. C. 30.* for Attainder of the Regicides, it is declar'd, that *by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People, collectively, or representatively, nor any other Persons whatsoever, ever had, have, hath, or ought to have, any coercive Power over the Kings of this Realm.*

My Lords, I can't apprehend this Act to be repeal'd ; if it be not, I beseech your Lordships let Dr. *Sacheverell* be try'd by it ; and that you will be pleas'd to consider whether the Doctor's Assertion concerning Resistance hath outgone the Declaration in this Law.

Your Lordships hear how fully the Fundamental Law of the Kingdom is declar'd by this Act ; the Doctor has only said, *'Tis illegal to resist the Supreme Power on any Pretence whatsoever.* The Expression at the end of that Declaration may possibly be observ'd, that it extends only to a Coercive Power over the Person of the King ; I know not what Inference may be drawn from thence, but certainly there is nothing in the Doctor's Sermon but what may be abundantly justified by the Declaration in that Act.

The Militia Act, the 13th and 14th *Car. 2. Cap. 3.* for ordering the Forces in the several Counties of this Kingdom contains a Declaration as strong as the former : By that Act 'tis declared, That *neither both or either of the Houses of Parliament, can, or lawfully may, raise or levy any War, offensive or defensive, against his Majesty, his Heirs, or lawful Successors.* When I perus'd this last Declaration in the recital of the Act, I read carefully to the End of it, to look for the Exception, but could find none. If there be no Exception in that Act, but that it stands as a general Declaration of the Law ; if neither, nor both the Houses of Parliament can or may raise or levy War, offensive or defensive, against the King, is it a high Crime and Misdemeanor to assert in general Terms that Resistance to our Prince is unlawful ? Pray, my Lords, compare the Doctor's Assertion in his Sermon with the Declaration in this last Act of Parliament.

By the Corporation Act, 13 *Car. 2. Sess. 2. Cap. 1.* all Mayors, Aldermen, Common-Council-Men, and other corporate Officers there enumerated, are requir'd to take an Oath, That *it is not lawful on any Pretence whatsoever to take Arms against the King.* By the Militia Act, which I have already mentioned, the same Oath, That *it is not lawful on any Pretence whatsoever to take Arms against the King,* is required to be taken by every Peer of the Realm, before he is capable of acting as a Lieutenant or Deputy-Lieutenant ; and by every Commoner of *England*, before he can be capable of acting as a Lieutenant, Deputy-Lieutenant, Officer or Soldier in the Militia. By the Act of Uniformity, 13 & 14 *Car. 2. Cap. 4.* all Ecclesiastical Persons, and many others under the several Denominations in that Act, are required to subscribe to the Truth of that Assertion, That *it is not lawful on any Pretence whatsoever to take Arms against the King.* This is the Language of our Laws, and the like do the Apostles use in their Precepts touching Obedience and Non-Resistance to the Supreme Power.

But

But here I ought to observe, an Objection has been made to these several Acts, that by an Act made in the First Year of the late King and Queen, 'tis Enacted, " That from thence-
 " forth the Oath enjoin'd to be taken or subscribed, by the se-
 " veral Acts I have mention'd, should not be required to
 " be taken by any Person whatsoever ; and that the former
 " Acts of Parliament, as to that Oath, are thereby repeal'd.
 'Tis a very tender Repeal, my Lords, if it be one ; but admit it to be one, it seems to have been argued from thence by a Learned Gentleman, with whom in many Things he said I no way differ, that this Doctrine of Non-Resistance was become the more Unlawful, because that Oath was not to be taken from thenceforward.

My Lords, As the Corporation Act requir'd the Swearing 'twas not lawful to take up Arms against the King, so does it direct the Subscribing to the Unlawfulness of the Solemn League and Covenant ; Now by the same Argument, the Solemn League and Covenant may be prov'd to have been a Lawful Oath.

I beseech your Lordships to consider, whether the Repeal of this Oath can have any Weight with your Lordships. 'Twas a general Assertion, to which all the Peers and Commoners, in the Employments I have mentioned, were to swear ; there is no Exception in the Oath, but what is implied in it. Was not the Proposition as true before it was Sworn, as after ? Was it therefore true because 'twas Sworn, or was it Sworn because 'twas true ? Did the Swearing it make it true, or the Truth make it fit to be sworn ? If it was true when it was Sworn, the Proposition was equally true before, and since. I believe, since the Oath was taken by so many Peers and Commoners, no Man will pretend to question the Truth of the Proposition.

My Lords, I have gone through the several Laws I shall lay before your Lordships on this Occasion, and let me once more humbly beg your Lordships that you will be pleased to compare the Doctor's Assertion in his Sermon concerning the Illegality of Resistance with them ; whether it be stronger than the Declaration of the Undoubted and Fundamental Law of the Kingdom, in the Act against the Regicides ; than the Declaration in the Militia Act, than the Oath required to be taken by so many Acts of Parliament, than the Declaration in the 25th Edward 3d. All the Doctor has said is, *That Resistance to the Supreme Power is Illegal on any Pretence whatsoever.* All the Peers and Commoners of England, under the Characters and Employments I have mentioned, have Sworn to the Truth of it ; the 25th Edward 3d declares it to be High Treason ; and your Lordships have heard what St. Paul says.

My Lords, I began this Discourse, relating to the Doctrine of our Church and the Laws of the Land, with the most sin-

cere Protestation, that it was far from my Intention to offer any thing inconsistent with the Justice of the Revolution; I think the Justice of it Consistent with our Laws, the Exceptions to be made being always implied: And surely none can shew themselves truer Friends to the Revolution, than those who prove that the Revolution may stand without Impeaching the Doctrines of our Church, or any Fundamental Law of the Kingdom. Doctor Sacheverell being Impeach'd for not making the Exception when he laid down the General Rule, I beg leave to turn the Case, and suppose he had made it. Had he been stating the Case of a Revolution, on a Day when he press'd the Illegality of Resistance, on a Day when, if he did not preach, he was obliged to read one of the Homilies against Rebellion, in which there is no Exception; had he been picking Holes for the Subject to creep out of his Allegiance, and had he been cited before his Diocesan; might he not have been questioned on what Authority he presumed to Preach in that manner? Whether he found such Doctrine taught by the Apostles, by the Homilies, or by any of the Reverend Fathers of our Church? Might he not have been told it was his Duty, in Imitation of those great Examples, to press the general Duty of Obedience, and the Illegality of Resistance, without making any Exception whatsoever? Had he been questioned before the Temporal Power for Preaching in the manner he has done, had an Indictment been framed against him on this General Assertion, and brought before the twelve Judges, I humbly apprehend, not one of them would have declared he went too far: But had he been making Exceptions out of the General Rule of Obedience, especially if he had been tried by such Judges as were before the Revolution, might he not have been told, 'twas easie to discern what Spirit he was of, of what harty he was, and what he aim'd at, what he intended, that he had not been Preaching in Defence of the late Revolution, to shew the Justice of it; but that he was covering the Treason of his Heart, and under Pretence of justifying one Revolution, he was labouring to bring about another; he who knew how far the Design had gone of landing the Pretender but two Years since, what else could he mean by picking Holes in the Rules for our Obedience?

I have but a Word or two to add to the other Charges of this Article: The Gentlemen of the House of the Commons were pleased to observe, that though there were four Articles, the Substance of them all center'd in the first. The second Charge in this Article is, That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance. It is not, I hope, a sufficient Ground for an Article of Impeachment, if the Doctor has express'd himself in an obscure manner; I must confess, I can't easily comprehend him my self, but it may be any Man's

Man's Misfortune to express himself in such a manner, as to make it decent and fit for him to explain himself: And, I hope, the Doctor has explain'd himself so as to shew, that, though he may have spoken improperly, he has yet spoken innocently. The Gentlemen of the House of Commons declare by Resistance they mean the Resistance of the Subject to their Sovereign; but Resistance, where the Doctor mentions his late Majesty to have disclaim'd it, cannot have that Meaning: He was a Sovereign Prince, and might resist whom he pleased. Perhaps the Passage in the Doctor's Sermon may be capable of different Constructions, but the Doctor has taken Care to prevent all manner of Mistakes that might possibly arise from thence: He has not only (as was observ'd by one of the Gentlemen of the House of Commons) made a Marginal Reference to show what he meant, which might have been done when he apprehended that Expression would be found Fault with; but he has in the Sermon it self quoted what the Parliament did, in burning a Treatise which related to the King's having conquered the Kingdom.

My Lords, it was asked, what had he to do to take Notice of that Matter, what led him to justify the late King? Was there ever any Body living that imputed any such thing as Conquest to him? My Lords, if there never was but that one Imputation endeavour'd to be cast on his Memory, as I never heard of any other, surely then he did well to wipe off that Imputation; and that this has been laid to his Charge, I must refer to the Journals of both Houses of Parliament. Your Lordships resolv'd the Assertion of King *William's* and Queen *Mary's* being King and Queen by Conquest, was injurious to their Majesties rightful Title to the Crown, inconsistent with the Principles on which this Government is founded, and tending to the Subversion of the Rights of the People: And on the 25th of *January* 1692, your Resolution being communicated to the Commons, was unanimously agreed to.

The last Part of this Article is, *That to impute Resistance to the Revolution, is to cast Black and Odious Colours on his late Majesty, and the said Revolution.* My Lords, there are these Words in the Doctor's Sermon, of *casting Black and Odious Colours on his late Majesty, and the Revolution*: They are in the close of a Sentence, which immediately preceeds the Expression of his late Majesty's disclaiming the least Imputation of Resistance: It is impossible to mistake the Place, your Lordships will examine it, and from thence let him take his Fate, Whether that Passage is applicable to what went before it, or to what follows after. Those Words of *casting Black and Odious Colours* are so far from referring to *his late Majesty's disclaiming the Imputation of Resistance*, that they conclude the Sentence which went before it, in which the Doctor men-

tions *New Preachers and new Teachers* that broach'd abominable Positions, that the People have a Right to cancel their Allegiance at Pleasure, to call their Sovereign to Account, and who pretend to justify the horrid Murder of the Royal Martyr King Charles the First, and endeavour to skreen themselves, and their vile Notions, under the Revolution. The Doctor having mention'd these new Preachers, and their Doctrine, goes on, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence. But certainly they are the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon both.* I pray my Lords what does this refer to, don't it clear the Revolution against the Venom of those Miscreants, who publish such villanous Assertions as these? But 'twas objected by a Learned Gentleman, what has a Minister to do to meddle with these Things? If any Man offend against the Temporal, or Ecclesiastical Laws, the Courts are open, the Magistrates are to punish.

My Lords, I don't find, if this Doctrine hold, that he must preach against any thing; if he must not preach against any thing which may be prosecuted, either in the Temporal or Ecclesiastical Courts, he must not preach against any Offence that is forbid by the Ten Commandments. Perhaps it will be urg'd, that there are no such People as these New Preachers and New Teachers, that he is raising a Phantom, and then throwing it down; he is only imagining Cases, of which there are no Instances; that there are no such Men who endeavour to justify the Murder of King Charles, or defend it by the Revolution. We will show there are too many Instances of such Persons who make no Scruple to publish these Positions, and cast Reflections on the Queen and Her Government, whom the Doctor has been defending. He is not the Person he has been represented, he hath no disloyal Thoughts about him: Sure I am, he would rather die in Her Majesty's Defence. We shall show your Lordships that there are such as run most vile Comparisons between the Revolution, and the most execrable Murder of King Charles the First, and can find no better Difference between them, than this abominable Distinction of a *Wet Martyrdom* and a *Dry One*.

Mr. Dodd. **M**Y Lords, I am likewise a Council for Dr. Sacheverell, and I cannot but think by the same Arguments that have been used to maintain these Articles, any Book or Sermon, be it never so innocent, may be represented to be a Libel.

The Gentlemen Managers of the House of Commons, with Submission, have scarce any three of them agreed in any one principal

principal Point, only in this most of them have agreed, that th^e Doctor is a Criminal before he is Condemned: He has been in the whole Debate (generally speaking) so called; the usual Expression having been the Criminal at the Bar; this (as it is not usual in other places) would have been a great Discouragement to us that are his Council, and great Discouragement in his Defence; but that we consider, that the Judgment is your Lordships, and that by your Justice he must stand or fall. It has been represented as if this Sermon had been perused and approv'd by Lawyers, but this is only Suggested (as other matters have been) yet there is not the least Proof thereof: We have had different Facts charged upon us; sometimes we are taxed for having said too much, and sometimes for having said too little, and not mentioning things that were the proper Subject of the Day.

My Lords, We apprehend these Matters are objected for want of observing the Sermon it self, for as it was preached on the fifth of *November*, so your Lordships will find an Account given for a Leaf together, setting forth the horrible Design of the Powder Plot: Your Lordships will also find both in the Body and Conclusion of the Sermon, Notice taken of our Deliverance on this Day.

There have been some Acts of Parliament cited by the Gentlemen Managers for the House of Commons; that of the 25th *Henry 8.* about the Supremacy, which we apprehend is not to the present purpose; It only asserts the Supremacy, that is, the Independency of the Crown, which was usurped by the Papal Authority; for surely King *Henry* the Eighth was a Prince that would as little bear the Doctrine of Resistance, as any Sovereign that ever wore the Crowns of these Kingdoms.

There have been many things said by the Gentlemen of the House of Commons that we heartily agree with them in; the Revolution was a Case we all agree out of the general Rule, and so in every thing we say, we hope your Lordships will understand it; we neither do nor can understand it otherwise; it is against our Judgment and Interest to think otherwise; we are hearty Well-wishers to the Revolution, and to the Happiness of *England* that is in a great Measure built upon it; We agree the Law of the Land is the Measure of the Prince's Authority, and the Peoples Rights; that in the Case of the Revolution, when the Laws were over-turn'd, Popery was coming in upon us, and Property signified nothing, the People of *England* being invited by his late Majesty, did resort to the last Remedy, even that of Necessity, and that Necessity did induce Resistance, and justifie 'em in it, and upon that Foot the Revolution succeeded: We totally deny that the Doctrine of Non-Resistance, as laid down by the Doctor, and as asserted by him, was intended for the Pretender, or any other, but Her Majesty and Her Government, or can be constru'd as thwarting the Revolution;

tion; his Assertions are General, those General Assertions will have their particular Exceptions.

Sure it has not, nor can be made out, that we had an Eye in favour of the Pretender in any part of this Discourse: Now it has been by some of the Gentlemen admitted to us, that the Doctrine in the main is Right, but, say they, you had your Thoughts, your Eyes on the Pretender. Now this is so very contrary to what the Doctor has asserted in his whole Sermon, that I hope there is no ground for it; for the Doctor (as a Dutiful Subject) takes notice that Her Majesty is the last of the Lineal Descent, as the Relict of the Royal Family, which quite disowns the Pretender and his Right: And can any one imagine, that in such Expressions he could have an Eye to the Pretender? For if there be any Pretence of Title in the Pretender, it must be as a Descendant of that Family: But he takes notice that Her Majesty is the only one left of that Family in a Lineal Descent, and I think that is enough to acquit the Doctor of having any Eye to him beyond the Water.

Having, my Lords, made these Remarks, I shall now Consider the Articles as they lye before your Lordships. In the Preamble to the Articles, there is Notice taken of three Acts of Parliament. The first is the *Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*. The second is the *Act for preventing Vexatious Suits against such as acted in Order to bring in their Majesties, and for their Services*. The third is the *Act for paying the States-General of the United Provinces their Charges for his Majesty's Expedition into this Kingdom, and for other Uses*. These are the three only Acts that are cited in the Preamble of these Articles; I shall say but a Word to each of them. As to the Act called *the Bill of Rights*, I don't find that that Act meddles with the Points of Resistance or Non-Resistance, the whole Ground and Tenour of that Act is upon the Abdication. It settles the Crown upon the Vacancy of the Throne. It is said, *Whereas the late King James the Second having abdicated the Government, and the Throne being thereby Vacant, &c.* There is no other Fact stated, there is no mention of Resistance. But the Throne being Vacant, the next Head in that Act says, *That King James having abdicated the Government, and their Majesties having accepted the Crown, did become Lawful King and Queen, &c.* These are the only Passages in that Act as to this Matter; it has preserved the Liberties of the Subject, establish'd several Rights which are their Ancient Inheritance, told the People that the Throne was Vacant, and being so, that their late Majesties were Lawful and Rightful King and Queen, as undoubtedly we all agree they were.

My Lords, The next Act mentioned, is the *Act for preventing Vexatious Suits against such as acted in Order to the bringing*

in their Majesties, or for their Service: This goes further than the Bill of Rights; but whoever Reads it, will find, it is but the same Act in Effect, that was Enacted in the Reign of *Edw. 3*, after *Edward* the 2d was Depos'd; it is a meer Act of Indemnity, an Act of Pardon for Officers Civil and Military; it only exempts them from Prosecution, that having been Transgressors against the strict Rules of the Law, were subject to private Actions; and no less could be done than to exempt them from such Prosecutions, and therefore that Law pardons all Actions of Trespas that were committed upon that Occasion.

My Lords, The next Act taken Notice of is, That for Paying the States-General. That, I don't see, takes any other Notice, but is only for paying the *Dutch* 600000 l. for their Assistance to his Majesty at his coming into this Nation, for our Deliverance from Popery and Arbitrary Power.

Then the Preamble charges the Doctor with Preaching and Publishing the Sermon and Dedications; and that is said to be done with a wicked, malicious and seditious Intention, to undermine and subvert Her Majesty's Government, and the Protestant Succession as by Law Established, to defame Her Majesty's Administration, to asperse the Memory of his late Majesty, to traduce and condemn the late Happy Revolution, to contradict and arraign the Resolutions of both Houses of Parliament, to create Jealousies and Divisions among Her Majesty's Subjects, and to incite them to Sedition and Rebellion. These are the Corollaries that are drawn from the Preamble of the Articles of Impeachment, and these are the Facts which must make these Articles Criminal, or they can't be so at all. These Facts we utterly abhor and deny, and say we are not Guilty of them, and hope it will so appear to your Lordships.

My Lords, I shall now come to the first Article it self, and shall shortly speak to the three Divisions of this Article: It consists of three Heads; the first is, That the Doctor Suggests and Maintains, that the Necessary Means used to bring about the Happy Revolution were Odious and Unjustifiable. The second is, That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance. And the third is, That to impute Resistance to the Revolution, is to cast black and Odious Colours upon his late Majesty and the Revolution.

As to the first, That he Suggests, that the Necessary Means used to bring about the Revolution were Odious and Unjustifiable; My Lords, we can't have a better Answer to this, than utterly to deny that we have made any such Assertion; we have not done it in Words, nor in any Words that will bear that Construction. We insist, that as it can't be proved out of the Sermon, so neither out of any other Action of his Life, or any other Sermon by him Preach'd; we say, that in no Part of his Ser-

mon he has Affirmed any thing of the *Necessary Means used to bring about the Revolution*, that was a Point not fit for the Doctor to meddle with, the Legislature had taken Care of that: On the contrary, we have all along endeavoured in that Sermon to clear the Revolution and his late Majesty (and we hope we have done it effectually) from the black and odious Colours which their greatest Enemies had endeavoured to cast upon them. To this Part of the Article we have pleaded Not Guilty; we have denyed the Fact, it has not been proved upon us; the Sermon don't prove it nor do's the Dedication prove it, but they prove quite the contrary, as by several Paragraphs of the Sermon compared together will appear.

The second Division of this Article is, *That his late Majesty, in his Declaration, disclaim'd the least Imputation of Resistance.* This Fact we do Acknowledge, if it be Understood as the Doctor Explains it, and proves it by the Declaration it self; we take it to be very Just and True; the Resistance the Doctor mentions, being such a Resistance as tends to Conquest only, as by the Words plainly appear, which are Printed, and Referred to in the Sermon: It can have no other Consideration, or Meaning, as will appear to any that read that Part of the Sermon with any Candour, or any Ingenuity. The Doctor has taken Care to express it in Words, that there might be no room for Exception: *His Highness declares, in Opposition to those who give out, that we intend to Conquer and Enslave these Nations, that we have thought fit to add a few Words to our Declaration: It is not to be imagined that either those who have invited us, or those who are already come to Assist us, can joyn in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honours, Estates and Interest:* And undoubtedly it is so; he did not come to Conquer and Enslave us, but to make us a free People, to preserve and restore our Religion, Laws and Liberties; which, (my Lords) with humble Submission, has been the Sense of the Nation; and Notions of a different kind, and such Assertions in Printed Sermons, have been Animadverted upon.

Now if the Doctor, having his Eye in that Expression on the Matter of Conquest that others had insinuated, and that the late King did disclaim any such Pretence, did express the same by Resistance, the Expression, we hope, is applicable to the subject Matter that was before him, and ought not to be wrested or turn'd to any other Purpose: Nothing can shew more his Meaning than his own Quotation: He refers to King *William's* Declaration, to justify him in that Matter.

The next Head is, *That to impute Resistance to the said Revolution, is to cast black and odious Colours upon his late Majesty and the said Revolution.* This we likewise utterly deny to have Maintained; we have said no such Thing quite thro' the Sermon; we have not taken upon us to meddle with that Point: It

It was an improper Subject for him to meddle with. The Doctor neither affirms, nor says any thing of those that impute Resistance to the Revolution; but those which the Doctor intended, and which are plainly meant, if the preceding Words must be the Words to which the Subsequent and Conclusion of the Sentence relates, then they are Persons of dangerous Positions, that place the Power in the People, that pretend to a Power to call their Sovereign to an Account at their Will and Pleasure; Positions that are condemned by the Laws of the Church and State, and then vouch the Revolution in Defence of these Principles. These are the Persons mentioned and intended by the Doctor, whose Principles and Practices cast black and odious Colours upon the Revolution.

My Lords, The Doctor, we own, in this Sermon, has asserted this general Proposition, viz. *Absolute Obedience in all things lawful to the Supreme Power, and the utter Illegality of Resistance of the Supreme Power upon any Pretence whatsoever*: And this being the Article, if we understand some of the Gentlemen of the House of Commons aright, on which the whole Impeachment turns, and that if we were clear of this Article, there would be no Reason to follow us upon the others, it gives us an Occasion to enlarge a little further upon this Point.

My Lords, Non-Resistance in general we do assert as a Rule, yet we agree there is an Exception implied in that Rule, and that Exception, we say, was the Case of the Revolution: When this general Rule has an Exception in it, must be in a Case of the utmost Necessity implied, and is not expressed, stated or determined in any Law or Act of Parliament that I know of, except in the Particular herein after mentioned.

My Lords, This Doctrine is agreeable to the Scriptures, is Taught by the Church of England in her Homilies, Articles and Injunctions, by her Bishops and Fathers; and in all Admonitions we have had from the Bishops and Pastors of the Church, from time to time. I shall not name them, some of them have been named: We shall produce Sermons Preach'd before Her Majesty, your Lordships, and the House of Commons, on the most Solemn Occasions, where this Doctrine has been fully asserted, even beyond what the Doctor has laid down: Both your Lordships and the Commons have returned Thanks to the Bishops and Clergy that have Preach'd them, and therefore we can't apprehend our selves to be worthy of this Reprehension: We shall produce them in Evidence, and vouch Authorities before the Reformation, and in the Infancy of it. The Homilies which are allow'd by the Church, and establish'd by several Acts of Parliament.

This we take to be agreeable to the Laws and Statutes of the Realm. The Law makes it High Treason, for particular Persons to resist the Supreme Power.

The *Spencers* in *Edward* the Second's Time asserted, That if the King did not Govern well, the People might remove him, and that by Force; but that was condemned by two Acts of Parliament, in *Edw.* 2d, and *Edw.* 3d's Reign. The Act of the 25 *Edw.* 3. that famous Act that has been the Standard for Treason for many Ages, is agreeable to the Doctor's Assertion; and when there were Breaches made in that Law, in Queen *Mary's* time, those Acts were again repeal'd: Now I need not repeat, that to resist the Executive Power, and the Person of the King by that Act, is compassing his Death, and levying War against him. They have always look'd upon it, that Resisting the King is levying War, it is a compassing and imagining the Death of the King; I shall therefore say no more on that particular Act of Parliament, but come to later Times.

In the Act of the 12 *Car.* 2. Cap. 30. it is declared, That it is the Undoubted and Fundamental Law of this Kingdom, that neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People collectively or representatively, nor any other Persons whatsoever, ever had, have, or ought to have any Coercive Power over the Persons of the Kings of this Realm. Here is a Declaration as full as can be, I am sure as full as the Doctor's Sermon, and yet this Declaration, I do agree, must have an Exception in a Case of the utmost Necessity: And I hope there is as much Reason to allow the Doctor an Exception, as in this Act of Parliament.

The next Act is the Corporation Act, 13 *Car.* 2. in which all the Officers of Corporations are directed to Swear, That they do believe, That it is not lawful, upon any Pretence whatsoever, to take Arms against the King. Here is as full a Declaration to be made by all the Magistrates of Corporations, as general Words can carry, and yet I would be understood in every One of these, that there is an Exception of Necessity; but whether the Doctor was a proper Judge of that Necessity, I shall take Notice by and by.

The next is the Militia Act, 13 and 14 *Car.* 2. and there is the same Declaration to be made by every Lord-Lieutenant, Deputy-Lieutenant, Officer, and Soldier, That it is not lawful, upon any Pretence whatsoever, to take Arms against the King. And the Preamble of that Act is stronger, for in the Preamble of that Act it is declared, That both or either of the Houses of Parliament cannot, nor lawfully may raise or levy any War, offensive or defensive, against his Majesty, his Heirs, or lawful Successors.

The next Act is the Act of Uniformity, 13 and 14 *Car.* 2.

The next is the Act for Select Vestries, which enjoins all Deans, Parsons, &c. to make this Declaration, That it is not lawful, upon any Pretence whatsoever, to take Arms against the King.

The next Act is the Act of Association, whereby all Persons are engaged to stand by and assist one another, against all his Majesty's Enemies, without any Limitation.

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The next is the Act which establishes the Abjuration Oath, 13 and 14 King *William*, which was taken in the late Reign, and the Acts of the 1 and 6 of Her Majesty's Reign, whereby *all Persons in Office are to swear to defend the King and Queen, to the uttermost of their Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Person, Crown or Dignity.* And that these Words may have the plain Sense put upon them, *They are to declare that they make that Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly and truly, upon the true Faith of a Christian.* Now this Resistance can't be agreeable to this Abjuration, for to resist is not the way to Defend.

My Lords, We think that the Doctrine of Non-Resistance, as a general Proposition, is warranted by the Laws of the Land; and when there is an Exception implied therein, must only be determined by the Wisdom of the Nation, and not by any one Doctor or private Person whatsoever. The Doctor's Proposition is about Non-Resistance of the Supreme Power, and we have no Reason to take a greater Weight upon us than the Words of our Sermon; and whatever Construction may be put upon it, in Relation to the Executive Power, yet the Proposition holds as to the Supreme Power, which is all the Doctor has asserted. The Supreme Power is the Queen and Parliament, and to this Supreme Power the Doctor has prest the utter Unlawfulness of Resistance; and I have not heard it said by any that it is lawful to resist the Queen in Parliament. Here is the Strength of the Nation, and here there ought to be a Standing Obedience, otherwise it is setting up the People to be Judges, and not the Collective Body of the People assembled in Parliament.

My Lords, In a particular Case of the utmost Necessity, what Constructions must be made as an Exception out of the General Rule must be left to Time and Circumstances (when such a Case shall happen) to determine, and must be determined by the Wisdom and Strength of the Nation, if ever such a Case should happen, which I hope never will more.

There is indeed one Exception made in one particular Case in the Bill of Rights, where it is Enacted, *That if the King or Queen shall be reconciled to the See of Rome, or profess the Popish Religion, or marry a Papist, then such Person shall be excluded to inherit the Crown, or have Regal Power in the Realm, and that the People shall be absolved of their Allegiance.* And this I take to be the first stated and determined Exception to this General Rule that ever was made in any Act of Parliament.

My Lords, We think the Government can scarce be just to it self, that don't encourage and command this Obedience, this Non-Resistance. This is a Rule profitable to all Governments, let the Nature of them be what they will; it is for the Peace
and

and Quiet both of Church and State. It would be wise Work to have the Exception to this Rule stated by every one that comes into a Pulpit. I know not whether it would be High Treason in them to do it, sure I am it would be a High Crime: And if these Points are doubtful or disputable, (as at least must be agreed,) sure they are no Grounds for an Impeachment.

What Doctrines should a Minister of the Church of *England* preach, if not those which are delivered in the Scriptures, and in the Doctrines of the Church? Must he search another Rule than the Scriptures, the Laws, and the Fathers of the Church, have laid down? Must he tell the People that the Doctrine of Non-Resistance of the Supreme Power is the Doctrine of the Church of *England*? Or must he limit this Rule, and State the Exceptions to it? Sure this would be very strange for the Doctor to do. He must tell them Resistance is unlawful, but there is an Exception to that Rule; but what that Exception is I must not tell you, but you must find it out as you can. Is not this to pick Holes in the Duty and Allegiance of the Subject, and would look like the Blind leading the Blind?

My Lords, We think it would be a very strange Thing for a Minister of the Gospel to distinguish in this Case; it would not be allowed him; it would be an Offence for any Preacher to do it. He must preach the general Proposition, he must inculcate the general Rule, and he must preach in the Words that the Laws of God, and of this Land, have delivered it in; he must not vary it, to find Meanings to help the People, like a good Casuist, to distinguish themselves out of their Allegiance.

Now so far we apprehend is the whole Sermon of the Doctor's to be understood, as not razing the Foundations of the Government, not inciting to Rebellion, but preaching Obedience to the Laws of God and Man. It is a great Misfortune for the Doctor to be represented as preaching this Doctrine for the Sake of the Pretender. We think at least it may be a Comfort to him that there is not a Syllable of Proof or Truth in it; and that on the contrary, the Doctor disclaims all Right in the Pretender, by asserting and acknowledging her Majesty's Right, and expressing a passionate Concern that Her Majesty is the Relict of the Royal Family,

We have given all the Assurance of our Fidelity the Law demands, we have taken the Oath of Abjuration, and been always Submissive to Her Majesty, and the Laws of the Nation, given all the Security of our Allegiance and Loyalty that the Government requir'd.

The Doctor fully declares his Meaning in this Sermon: Does he not all along submit to the Government, and pray for the Queen and Government? He has done it in several Places of his Sermon, particularly in one Place, which will carry a great Weight in it. *What* (says he) *I have thus freely spoken, I hope*

is as much without Offence, as it proceeds from a Tender Concern for her Majesty's Person, and a Hearty Zeal for the Safety of our Church and Constitution. Surely after this Declaration, in Common Justice there ought to be no Construction of a Man's Meaning made by Inference. Here is a full Declaration, that what he has done he has done in Service and Zeal to Her Majesty and the Constitution in Church and State.

When there is not through the whole Sermon any plain Words to ground such a Construction, when there is not the least Proof offer'd, but only by such forc'd Construction, when different Words are pick'd out from different Places, and Words so distant are join'd together to make up Sentences, and then Arguments fram'd, and Conclusions drawn, from those Sentences, to make good the Impeachment, we think it is much too hard, and hope it never will be endured to pick Part of a Line here, and Six or Eight Lines after to pick Part of another, and to join the Conclusions of one Sentence, and the Beginning of another; this would be to confound all Reason and Understanding whatsoever. This we take not to be a right Way of Reasoning, nor a proper Evidence to maintain an Impeachment, and we hope your Lordships will therefore acquit the Doctor of this Article.

Mr. Phipps. MY Lords, I am also assign'd by your Lordships to be one of the Council for Doctor *Sacheverell*, who, I beg Leave to say, I cannot yet think to be a Criminal; and, when we have been heard, I hope your Lordships will not think him such.

I do admit, as the Case is stated by the Gentlemen who are the Managers for the Commons, that it is a Cause of very great Moment, and is worthy of your Lordships Determination, because it deserves the greatest Deliberation, it being a Cause as considerable in its Consequences to Her Majesty, the Church, and these Kingdoms, as ever came before your Lordships. And therefore, since it has been the Doctor's Misfortune to incur the Displeasure of the House of Commons, and to lye under the Weight of an Impeachment by that Great and Honourable Body, it is his greatest Comfort (next to his being Innocent) that he has the Honour to have your Lordships for his Judges, and the Opportunity of so publick a Vindication of his Innocence; for he does not doubt to give your Lordships, and all by whom we have the Honour to be heard, full Satisfaction that he is not Guilty of any of the Crimes charged upon him in any or either of the Articles.

My Lords, We agree with the Managers that his late Majesty, when Prince of *Orange*, did with an Armed Force undertake a Glorious Enterprize for delivering the Kingdom from Popery and Slavery. We admit, that divers Subjects well-affected to their Country joined with and assisted him in that Enterprize;

prize; and that the Entreprize being crown'd with Success, the late Happy Revolution took Effect, and was establish'd. We also admit, that the Blessed Consequences of the Revolution are, the Enjoyment of our Religion and Laws, the Preservation of her Majesty's Person, the many Advantages arising by Her Majesty's Wise and Glorious Administration, the Prospect of Happiness to future Ages by the Settlement of the Succession, and the Union of the two Kingdoms.

But there are other Matters suggested in the Preamble, in which we differ with the Gentlemen of the House of Commons; for it is therein alledg'd, *That Doctor Sacheverell preach'd and publish'd his two Sermons with a malicious and seditious Intention to Undermine the Government and Protestant Succession, to Defame Her Majesty's Administration, to Asperse the Memory of His late Majesty, and Traduce and Condemn the Revolution, to Arraign the Resolution of both Houses of Parliament, to Create Jealousies and Divisions among Her Majesty's Subjects, and to Incite them to Sedition and Rebellion:* And all this we totally deny.

The Offences charged upon the Doctor are of a very High and Heinous Nature, and the greater the Crimes are with which a Man is charged, the clearer and plainer ought the Evidence to be to maintain and make good that Charge. And to make the Doctor a Criminal within these Articles, every Branch of the Articles must be prov'd as they are laid. It must be prov'd that he preach'd and publish'd these Sermons with such wicked, malicious, and seditious, Intention, as is alledg'd in the Preamble, and the Proof ought to be plain and positive; for the Laws of *England* have so guarded the Persons and Properties of the Subjects, that their Lives, Liberties, or Estates, cannot be subject to Forfeiture or Restraint by uncertain or conjectural Evidence, by strain'd or unnatural Inferences, Insinuations, or Inuendo's. And although I could cite many Authorities and Determinations in the Courts of *Westminster-Hall*, wherein the Judges have express'd their Dislike and Detestation of Convicting Men of Offences, either Capital or Criminal, by Inuendo's or Inferences, yet I forbear to trouble your Lordships with any of them, because I have an Authority Superior to them all to warrant what I have said, and that is the Determination and Resolution of your Lordships in *Sir Samuel Barnardiston's Case*, which having been read by *Sir Simon Harcourt*, I forbear to trouble your Lordships with a Repetition of it.

The next Thing therefore to be consider'd is, Whether the Sermons were preach'd with such Malicious and Seditious Intention as is asserted in the Preamble; and if there be such plain, direct, and positive, Proof, as is by your Lordships Determination, in *Sir Samuel Barnardiston's Case*, declar'd to be necessary.

But before I come to speak to any particular Article, I beg Leave to observe something, which though it hath not been made a particular Charge against the Doctor in any one Article,

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yet it has been urged and insinuated almost by every one of the Managers of the House of Commons to enforce every Article; and that is, *That notwithstanding the Doctor's Expression of Loyalty to the Queen, yet his Intention is to bring in the Pretender.*

It has been objected, as I apprehended, (and I beg Pardon if I am mistaken,) "That the Doctor confines his Doctrine of Passive Obedience and Non-Resistance to a *Jure Divino* King or Queen, and that from thence it was easie to understand against what Queen the Doctor excites the People to take up Arms. If the Queen, who has an Hereditary Right, and also a Right confirm'd and establish'd by Act of Parliament, cannot be said to be a *Jure Divino* Queen, I do not know who can. I did not think that the Doctor, who asserts the Hereditary Right of the Queen, could be charg'd with an Intention to bring in the Pretender. I am in your Lordships Judgment, whether the denying Her Majesty's Hereditary Right be not the most likely Way to bring him in? For I submit to your Lordships, whether the denying the Hereditary Right of the Queen, be not to suppose an Hereditary Right in some Body else? And whether that does not leave a Way open (when the Queen's Enemies are strong enough) to bring in that Person in whom the Hereditary Right is suppos'd?

It is asserted, *That the Doctor's pretended Zeal is for Her Majesty, but his real Zeal is for the Pretender*: It is hard to say a Man means contrary to what he speaks; and that though he declares that the Safety, Rights, and Establishment, of her Majesty's Government, with those of the Church, are the Things which he so earnestly contends for, and are his only Aim and Intention; and though he prays that God will preserve Her Majesty for the Comfort and Support of the Church and Nation, yet it is suggested that his chief Aim and Design is to Dethrone Her Majesty, to set the Crown upon the Head of the Pretender, and to establish Popery, or at least a Church independent on the State. And although he preaches up Passive Obedience and Non-Resistance under Her Majesty's Happy Administration, yet it is objected he stirs up the People to Rebellion, and means Non-Resistance and Passive Obedience to the Gentleman on the other Side the Water.

I do agree these Things have been urg'd with great Ingenuity, but what Proof, what Evidence, is there of any of these Matters thus suggested?

My Lords, By the Law of England Men are not to be Harangu'd out of their Lives, Liberties, or Estates, but as I have observ'd, it must be plain and positive Proof alone that can subject them to a Forfeiture: And I submit to your Lordships, where a Man affirms a Thing in his Sermon, if an Averment by any Body else that he means quite the contrary, be a sufficient Evidence to convict a Man of High Crimes and Misdemeanors.

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There is another Matter which I confess puts me under a great Difficulty to determine which Way to apply our Defence to the First Article; and that is the different Construction which the Gentlemen of the House of Commons have made of that Part of the Doctor's Sermon on which the First Article is founded. The Gentlemen that spoke to the First Article (if I apprehend them right) affirm, " That the Doctor asserts an unlimited Obedience, " and the utter Illegality of Resistance to the Queen as the Supreme Executive Power, and that such an Assertion was a " Reflection upon the Revolution, which was brought about " by the Resistance that was given to the late King *James*. And all their Arguments on the First Article were grounded on this Assertion. But a very learned Gentleman, who spoke Yesterday to the Fourth Article, was pleas'd to object, " That though " the Doctor asserted the utter Illegality of Resistance to the " Supreme Power, yet he had no where asserted the utter Illegality of Resistance to the Queen, thereby leaving himself at " Liberty to resist the Queen, and bring in the Pretender.

Now the Question is, which of these Constructions we must believe? If the Construction made by the Gentlemen who spoke to the First Article be true, then the Doctor has taken that Care of Her Majesty's Person which he ought, by asserting the utter Illegality of Resisting Her, and hath not left himself at Liberty to take up Arms against Her Majesty to bring in the Pretender, and so the great Objection made against the Doctor by the Learned Gentleman, who spoke to the Fourth Article, falls: But if his Construction prevails, there is no Reflection on the Revolution, and the First Article falls to the Ground; for the Reflecting on the Revolution can be only by asserting the Illegality of Resistance to the Queen as the Supreme Executive Power, because the Resistance which brought about the Revolution was made to the late King *James* only, and not against the Legislature. But whichever of these Gentlemen your Lordships shall be of Opinion is in the Right, I beg leave to say that this may certainly be concluded and inferr'd, that the Construction of that Sentence must be very doubtful in which such Learned Men differ, and consequently cannot be a Charge sufficient and certain enough to ground a Conviction for High Crimes and Misdemeanors. These Matters being submitted to your Lordships Judgment, I come next to consider the Articles themselves, and shall humbly propose to your Lordships Consideration what I have to offer in Answer to them, and shall take Notice of the several Branches of the respective Articles which the Doctor mentions in his Answer to them.

As to the First Branch of the First Article, which charges, the Doctor does *Suggest and Maintain that the necessary Means used to bring about the Happy Revolution were Odious and Unjustifiable*; the Doctor denies there are any such Expressions in his Sermon at *St. Paul's*: And I beg Leave to say, that there is not one Paragraph

or Sentence in his Sermon that can support this Charge, the Necessary Means us'd to bring about the Revolution not being once mention'd in the Sermon, and therefore I at first doubted whether I had the right Sermon; for I could no more find that Sentence in the Doctor's Sermon at St. Paul's, than one of the Learned Managers could find a Text of Scripture, quoted by the Doctor, in his Bible.

One of the Gentlemen, who spoke to this Article, was pleas'd to admit, that the Words charged in this part of the Article are not in the Doctor's Sermon, but said there are Words that are *tantameunt*; so that this Branch is to be prov'd by Inuendo's, and yet they have not been pleased to let us know what those Words are which do amount to the same Signification, and we deny there are any such Words.

The last Part of the First Article (for I shall consider that next, because it relates to the Revolution) charges, that the Doctor *does Suggest and Maintain, that to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his Majesty and the Revolution.* In answer to which I must beg leave to take Notice, that the Words of the Sermon are here transpos'd and misplac'd, for the Doctor does not say, that *to impute Resistance to the Revolution is to cast Black and Odious Colours upon his Majesty and the Revolution*; but he says, that *to urge the Revolution to justify the Doctrine of Dethroning and Murdering of Princes, is to cast Black and Odious Colours on his Majesty and the Revolution*; for the Doctor in Page the 11th says, that "The New Preachers and
" New Politicians pretend to have a Power to cancel their Allegiance at Pleasure, to call their Sovereign to an Account for
" High-Treason, to Dethrone and Murder him for a Criminal,
" as they did the Royal Martyr by a Judiciary Sentence; and
" that to Justify this Doctrine, they urge the Revolution of this
" Day: But, says he, *they are the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon both*; so that what he says is no more, than that to justify the Calling the Sovereign to an Account for High-Treason, and the Dethroning and Murdering of him, by the Revolution, is to cast Black and Odious Colours upon both. And is there any Body that has any Respect for the Glorious and Happy Revolution, that has any Regard for the Preservation of our Constitution, can say less? Can there be a greater Reflection on the Revolution, than to urge that in Vindication of the Rebellion in 41, as if the Cases were alike?

I humbly submit it to your Lordships, if there be any Thing in his Sermon that can be constru'd to reflect on the Revolution, if the Words be taken according to the Natural and Genuine Sense of them; nor can it be thought the Doctor would cast the least Reflection upon it: Can it be imagin'd, that he
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who is a Member of *Magdalen College in Oxford*, should so soon forget the Attempts that were made on their Liberties, and would reflect on the Revolution, by which not only he and the rest of the Fellows of that College, but all the Colleges in both the Universities, nay, all Her Majesty's Protestant Subjects, now enjoy their Religion, Rights, and Liberties? That he who is a Church of *England* Man should calumniate the Revolution, by which the best Establish'd Church in the World is preserv'd from Popish Superstition and Idolatry? That he, who contends so earnestly for the Preservation of our Constitution, should cast Black and Odious Colours on that by which alone the Succession is settled and secur'd in the Protestant Line, and Her Majesty is now Lawfully and Rightfully seated on the Throne of Her Royal Ancestors, on which the Doctor Prays, and I hope we all join with him, *that she may long continue for the Support and Comfort of this Church and Nation?* No, my Lords, it is not the Revolution in 1688, but the Revolution in 1648, that he endeavours to blacken, and the Principles by which that was brought to pass; those Principles which made Rebellious Subjects take up Arms against one of the Best Princes that ever Sway'd the Sceptres of these Kingdoms; those Principles which brought that Pious Martyr to the Block, banish'd the Royal Family, and set an Usurper upon the Throne; this is the Dethroning, this is the Murdering, which he means: And can any Colours be too Black, any Colours too Odious, for such Crimes? No doubt, my Lords, they cannot; and therefore instead of charging the Doctor with reflecting on the late Happy Revolution, I hope your Lordships will be of Opinion he vindicates it in the highest Degree, when he distinguisheth it from that in 1648, and shews what a wide Difference there is between them.

As to that Part of the First Article which says, *That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance*: If the Doctor had not explain'd himself, it is humbly submitted how far he is justified by his Majesty's Declaration; the Declaration says, *We have thought fit to go over to England, and to carry with us a Force sufficient, by the Blessing of God, to defend us from the Violence of Evil Counsellors; and that his Expedition is intended for no other Design but to have a Free and Lawful Parliament*: So that this Expedition was to have a Free Parliament, and his Forces were to defend him from the Violence of Evil Counsellors in carrying on that Glorious Design; and when the late King *James* abdicated the Government, what Resistance was it to supply the Vacancy, by settling his late Majesty on the Throne?

In Construction of Words and Sentences, if any Part be ambiguous, and may be taken in a double Sense, it ought in Favour of Life and Liberty to be taken in the best Sense. But when the Author declares what his Sense is, what he means by it, there it cannot be taken in any other Sense than that: And
this

his is the Doctor's Case; for he shews, both in his Sermon, and by a Note printed at the Bottom of the Page, that by Resistance he means such Resistance as tended to a Conquest: And is he not justified in that by his Majesty's Declaration, wherein he disowns the wicked Attempt of Conquest? And by the Vote of both Houses of Parliament, who so highly resented the Design of making that Expedition a Conquest, that they ordered a Pamphlet which attempted to prove it such to be Burnt by the Common Hangman?

And therefore if the general Words would have carried such a Reflection, yet the Clause which explains it being printed with it prevents such a Construction; for there is no Reason to apprehend any Danger from the Poison, when the Antidote is administered at the same Time. Thus, my Lords, I take it, I have answered every Branch of this Article, and shewn, that there are not any Expressions in the Sermon that can Warrant or Support any Part of it: But, from what I observ'd from the Gentlemen who are the Managers, and spoke to this Article, the great Foundation and Streis upon which this Article depends is in the Sentence in Page 11 of the Doctor's Sermon, where he says, *The Grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an Absolute and Unconditional Obedience to the Supreme Power in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.* But I take it the Charge in this Article can never be supported by any Words in this Sentence; for it is evident that the Absolute and Unconditional Obedience which he says Subjects are oblig'd to is to the Supreme Power in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever, (being in one and the same Sentence,) must be intended to be of the Supreme Power in all Things lawful: So that it is no more than if he had said, 'Tis utterly Illegal, upon any Account whatsoever, to resist the Supreme Power in Things lawful. Can any Aphorism be truer than this, viz. *That where the Thing commanded by the Supreme Power is lawful, the Resistance given to it must be unlawful?* And this is all the Doctor hath asserted in this Paragraph.

If I may have Leave to cite a Foreign Author, *Puffendorfe* says, the Supreme Power is that in which the Legislature is vested; for he says, *Human Laws are the Decrees of the Supreme Power concerning Matters to be observed by the Subjects for the Good of the State:* And one of the Learned Managers, who spoke to this Article, admits it to be so; and then the Doctor's Assertion is, that the Security of our Government, and the very Pillar on which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Laws made by the Queen, Lords and Commons, in Parliament assembled, and the utter Illegality of Resisting such Laws on any Pre-

tence whatsoever; and if this be not so universal a Truth, as not to admit any Exception, is humbly submitted to your Lordships; and this is an Answer to all that hath been said against us on the first Article: For all the Gentlemen have founded their Discourse on a Supposition, that the Doctor preach'd up an absolute unconditional Obedience to, and the utter Illegality of Resistance of, the Queen; whereas he preaches up the Illegality of Resisting the Supreme Power, and that in all Things lawful.

Suppose it could be collected, that by the Supreme Power the Doctor meant the Supreme Executive Power, which is the Queen, yet the Doctor cannot be thought by this to reflect on the Revolution, or to Condemn that Opposition given to King *James*.

For can it be imagined that he Condemns the Opposition given to that Prince in the Dispensing Power, in committing the Bishops, depriving Men of their Freeholds and Liberties, by Ecclesiastical and other unlawful Commissions, and endeavouring to establish Popery, by introducing a Foreign Power? I say, can it be imagined the Doctor condemns that Opposition, when he urges the Illegality of Resistance to the Supreme Power in all Things lawful? If those Proceedings of King *James* were lawful, then the Doctor condemns the Opposition given to 'em; but those Proceedings being Illegal, the Opposition given to them is no where condemn'd by the Doctor, nor hath this Paragraph in his Sermon any Relation to it.

To carry this yet further, Suppose that the urging the Illegality of Resistance on any Pretence whatsoever, had been a Substantive Clause, and had no Relation to, or Dependence upon, any other Clause or Sentence; or suppose such a general Assertion can be collected from any Part of the Doctor's Sermon, yet it must be taken only for a general Proposition; and if such general Propositions are true in the general, and to a common Intent, though they are subject to particular Exceptions, yet it is submitted whether the Doctor is not well warranted in asserting such a general Proposition, without mentioning the particular Exception? For all general Rules have Exceptions, and yet the Person that Cites them seldom or never mentions the Exceptions; for whenever such general Propositions are urged, the Exceptions are always understood and implied: And there was less Reason to mention the Exception in this Case, because it is so universally known: It had the Concurrence of the whole Nation, and was so often establish'd and approv'd by the Legislature.

And the Doctor entirely Concurs with the Gentlemen of the House of Commons, that the Revolution is an Exception; and is not Adversary to one of the Learned Managers, who was pleas'd to admit it was the only Exception from this general Rule; and I submit to your Lordships, if the naming that Ex-
ception

ception would not be a greater Reflection on the Revolution than the Preaching that Doctrine in general Terms without naming it; for to name it now, since the Revolution, would be to suppose that it was not implied and understood as an Exception, out of that general Proposition, before the Revolution, and then the Exception is to be warranted by the Revolution, which is to Infer, that no Resistance was lawful 'till the Revolution, whereas we say, That such an extraordinary Case as that of the Revolution, was always implied as an Exception out of that general Doctrine, and so the Doctrine justifies the Revolution.

And therefore, the Doctor urging this Doctrine of Non-Resistance in such general Terms, as all other general Propositions are usually urged, it is humbly submitted, whether he can for this be esteem'd guilty of High Crimes and Misdemeanors; especially, since this very Doctrine hath been affirmed in such general Terms by Learned Men in all Ages, by our Church, and by the Legislature, of which I'll beg leave to give some few Instances.

When the Duke of *Monmouth* was to be Executed, his present Grace the Archbishop of *Canterbury*, the present Lord Bishop of *Bath* and *Wells*, the then Bishops of *Ely*, and *Bath* and *Wells*, were appointed by the King to attend his Grace; they press'd him to make a particular Confession of his Crime, and to acknowledge himself Guilty of Rebellion; his Answer was, *He died a Protestant of the Church of England*. They replied, *My Lord, if you be of the Church of England you must acknowledge the Doctrine of Non-Resistance to be true*.

Archbishop *Tillotson*, in his Letter writ to my Lord *Russel* the 20th of *July* 1688, offers these Considerations concerning the Point of Resistance. “(1.) That the Christian Religion doth plainly forbid the Resisting of Authority. (2.) That in the same Law which Establishes our Religion, it is declared, It is not lawful upon any Pretence whatsoever to take up Arms against the King.”

Bishop *Sanderfon* in his Works, Pag. 522. says, *No Conjunction of Circumstances whatsoever can make that Expedient to be done at any time, that is of it self, and in the kind, unlawful. For a Man to take up Arms (Offensive or Defensive) against a lawful Sovereign, being a Thing in its Nature, simply, and de toto genere, unlawful, may not be done by any Man, at any Time, in any Cases, upon any Colour or Pretence whatsoever.*

Thus your Lordships observe, how much higher these great and Learned Men carried this Doctrine than Doctor *Sacheverell* hath done in his Sermons; and Multitudes of Instances there are, which shew, that it hath been the Concurrent and Universal Opinion of all the Learned Men of our Church in all Ages, that Resistance of the Sovereign Power is not lawful, upon any Pretence whatsoever. And what Punishment, what Censures

have been inflicted upon, nay, what Fault has been found with any of them to this Day? One of the Learned Gentlemen, to enforce the Legality of Resistance, was pleas'd to urge the Original Contract as the Foundation of the Prerogative of the Crown, and the Liberties of the People; and to assert, That if the Supreme Executive Power invaded the Rights of the People, the Contract was dissolv'd, and the People discharg'd from their Allegiance. I will not be positive as to the very Words, but I take this to be the Purport of them.

When the Original Contract was made, that Learned Gentleman did not think fit to inform us. Was it before *Magna Charta*? If so, why not compriz'd in it? All the Liberties the Subjects then laid Claim to being included in that Act; and 'tis much a Thing of that Moment, and which was the Source and Spring of all their Liberties, should not be so much as mentioned in it. I never met with it in any of our Law-Books, in my little Experience.— I never heard it urg'd in any Court before. Was it before the Statute 25 *Edw.* 3. I never knew it pleaded to any Indictment for High-Treason, nor objected to enervate or take off the Force of that Statute; and our Law-Books being silent in it, I think it is too tender a Point for us, who are no Members of any Part of the Legislature, to meddle with: And therefore, 'till the Legislature have declar'd what the Original Contract is, and determin'd what Act of the Supreme Executive Power shall amount to a Dissolution of that Original Contract, and discharge the Subjects from their Allegiance, I must beg Pardon if I think that as to Resistance in general, the Law stands still upon the Foot of the 25th of *Edward* the 3d, and that all Resistance, except in the Case of the Revolution, is still Treason within that Act.

But to give some further Instances in Vindication of the Doctrine of Passive Obedience and Non-Resistance. Archbishop *Tillotson*, in his Letter to the Lord *Russel*, says, *The Doctrine of Non-Resistance is the Doctrine of all Protestant Churches*; I may add, it was the Doctrine of Christ and his Apostles: It was the Doctrine in *David's* Time; for it was this Doctrine that restrained *David* from offering Violence to King *Saul*, though that King sought to take away his Life. It was that Holy Man's Opinion that he could not lift up his Hand against the Lord's Anointed, and be Guiltless: Can it be done now with greater Innocence than it could then? Is the Person of the Lord's Anointed now less Sacred than it was then? Or have the People now a greater Liberty to resist than *David* had then? My Lords, one of the Learned Gentlemen said, that in Respect of the Patriarchal Right it is a Doctrine as old as *Adam*, and I will not pretend to carry it further.

The next Thing therefore to be consider'd, is, whether this Doctrine, that is of so great Antiquity, has had any Alteration, whether it hath been preach'd or urg'd in any other Terms since the

the Revolution than it was before. Bishop Beveridge, in a Book, call'd *Private Thoughts upon Religion*, pag. 247, 249, 250, says, *Upon any seeming real Default or Defect of our Sovereign, we are to be more Earnest in our Prayers and Intercession for him, but upon no Account to Fight or Rebel against him.* This Book had her Majesty's Royal Licence, and was countersign'd by a Noble Lord, Eminent for Learning, and Her Majesty's Principal Secretary of State, I mean the Right Honourable the Earl of *Sunderland*. I beg leave to cite next a learned Gentleman, whose Affection to the Government, and Understanding in Antiquity, no Body can doubt, 'tis Doctor Kennet, who in his Sermon preach'd before the House of Commons the 30th of January, 1705, says, *This is the true Foundation of that common Axiom, The King can do no Wrong, because there is no Right nor Remedy against his Royal Person;* and in the same Sermon he says, *It was declarative of our Original Constitution, (which one would think should be the Original Contract, unless the Original Contract and the Original Constitution differ,) that our Legislature, upon Occasion of this Day, would have it Express'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor Both together, in Parliament, or out of Parliament, nor the People, collectively, or representatively, nor any other Persons whatsoever, ever had, have, or ought to have, any Coercive Power over the Persons of the Kings of the Realm:* And I think it is Evident, where there can be no Coercive Power, there cannot be any Resistance. This was but in the Year 1705, and was the Original Contract found out since? If not, then it is plain the Commons did not think this Doctrine to Derogate from that Contract, or to Reflect upon the Revolution, for the Doctor had the Thanks of the Commons for his Sermon, and their Order to Print it.

I do most readily concur with the Learned Gentlemen of the House of Commons, that that Reverend Bench is fill'd with Fathers of the Church, who are as great an Ornament to it for Learning and Piety as any of their Predecessors, and are most justly famed for their Religious Moderation; and therefore Instances of their Asserting this Doctrine since the Revolution will have the greatest Weight with your Lordships, and tend the most to the Satisfaction of that Honourable House, upon whose Impeachment the Doctor is brought hither.

The Bishop of *St. Asaph*, in his Sermon on the 30th of January 1699, Preach'd before the Lord Mayor, pag. 18. says, *It is plain that a Government can't possibly subsist for any Time where any kind of Violence is allowed against the Magistrate: Government is at an End where Rulers are expos'd to popular Assaults.*

The Bishop of *Lincoln*, in his Sermon preach'd before your Lordships the 30th of January 1708, pag. 15, 16, 17. says, *Wherever that Supreme Power and Authority is Lodg'd, or in whom-*

soever it Resides, we are bound to pay either an Active or Passive Obedience, must either Do what it Requires, or Suffer what it Inflicts. This is without Controversie the standing Doctrine of Christianity, and has been confirm'd by the Practice of the best Christians in all Ages of the Church. My Lord Bishop likewise cites the Words of the Statute of the 12th of Charles the Second, which were mention'd by Dr. Kennet; your Lordships were pleas'd to thank my Lord Bishop for his Sermon, and desir'd him to Print it.

My Lord Archbishop of York, in a Sermon preach'd before your Lordships in 1700, has stated this Doctrine so fully and clearly that it is not capable of the least Contradiction or Doubt: His Grace expresses himself thus, *That there is such a Submission due from all Subjects to the Supreme Authority of the Place where they Live, as shall Tie up their Hands from Opposing or Resisting it by Force, is Evident from the very Nature and Ends of Political Society; and I dare say there is not that Country upon Earth, let the Form of their Government be what it will, (Absolute Monarchy, Aristocracy or Commonwealth,) where this is not a Part of the Constitution. Subjects must obey Passively, where they cannot obey Actively, otherwise the Government would be Precarious, and the publick Peace at the Mercy of every Male-content, and a Door would be set open to all the Insurrections, Rebellions and Treasons in the World. Nor is this only a State Doctrine, but the Doctrine also of Jesus Christ, and that a Necessary and Indispensible one too, as sufficiently appears from these Famous Words of St. Paul's, Rom. 13. 1, 2. which are so plain that they need no Comment; so that so long as this Text stands in our Bibles, the Doctrine of Non-Resistance or Passive Obedience must be of Obligation to all Christians.*

Is not this Doctrine confirm'd by our Church in Her Homilies, and enjoin'd to be Read on certain Days in the Church? Are not these Homilies allow'd by the Articles? Are not these Articles establish'd by the 13th of Eliz. Chap. 14? And is not that very Act confirm'd and made Perpetual by the Act of Union made in the Fifth Year of Her Majesty? Is it not likewise Ratify'd and Establish'd by the Legislature, by the Act of the 12th of Charles the Second, cited in the Sermons of the Bishop of Lincoln and Dr. Kennet, by the Act of the 13th of Charles the Second? For that Act of the 13th of Charles the Second, Chap. 4. obliges all Ministers, &c. to subscribe a Declaration, the first Part whereof was this, *I A. B. do declare that it is not Lawful upon any Pretence whatsoever to take up Arms against the King.* Was not that Declaration to be Swore to by all Officers of Corporations, by the Corporation Act; by all Lieutenants, Deputy-Lieutenants, and all Officers and Soldiers of the Militia, by the Militia Act? And can any Man doubt the Truth of that Doctrine which the Legislature has oblig'd the greatest Part of the Nation so Solemnly to Subscribe and Swear to? We have

Collected many more Instances of this kind, which we will offer to your Lordships in the Course of our Evidence.

Thus your Lordships observe how this Doctrine hath been preached and maintained by Archbishops, Bishops, and Eminent Divines, confirm'd and establish'd by the Church, and by the Legislature; and is this Doctrine Alter'd? Or hath it received any Diminution or Restriction by the Revolution? I will not presume to say, but are in your Lordships Judgment, on the Consideration of the several Sermons before mention'd, preach'd and publish'd with the respective Approbation of both Houses of Parliament since the Revolution. I beseech your Lordships, how many Revolutions have there been in this Kingdom, and yet this Doctrine always continued the same? And I submit, whether we have not the Authority of your Lordships on this very Point? For in a Sermon preach'd before your Lordships on the 30th of *January* 1702, by my Lord Bishop of *Carlisle*, his Lordship expresses himself thus: *Our Foundations, 'tis to be hop'd, are not shaken by the Weight of those many Great and Extraordinary Revolutions that have pass'd upon us; the All-wise Providence of God has frequently of late (and as some of us always thought, very graciously) Exchanged our Governors; but if we ungratefully alter our Notions of the Divine Right of Government, and throw off our Ancient and Primitive Rules of Obedience, we shall make an unworthy Return for the Mercies we have received.* I hope I may have your Lordships leave to conclude your Lordships are of the same Opinion, since my Lord Bishop had your Lordships Thanks for his Sermon, and your Desire to Print it. I also presume to offer it to your Lordships Consideration, whether this very Doctrine be not establish'd and enjoin'd, under the Obligation of an Oath, by the Legislature in the Reign of His late Majesty, and of Her present Majesty, I mean in the Abjuration Oath, in which Oath there is this Clause, *viz. And I do Swear that I will bear Faith and True Allegiance to Her Majesty, and Her will defend to the utmost of my Power against all Traiterous Conspiracies whatsoever which shall be made against Her Person, Crown, and Dignity.* I believe it will not be denied by any Lawyer, that taking up Arms against Her Majesty is High-Treason, by the Statute of the 25th of *Edward* the Third, and therefore the Parliament having enjoin'd all Persons in Office, &c. to defend Her Majesty against all Traiterous Conspiracies and Attempts, shew that it was their Opinion, that the Taking up Arms and Resisting Her Majesty, upon any Pretence whatsoever, is Unlawful, because wheresoever Resistance is Lawful, the Defence must be Unlawful.

I would only beg leave to add, that the Punishment inflicted by our Law in this World for Resistance, and the Judgment denounc'd against it in the next, sufficiently evinces the Illegality of it. Taking up Arms and resisting against the Queen, by the Statute of the 25th of *Edward* the Third, is High-Treason, the Punishment of which is to be Drawn, Hang'd and Quartered; and

and in what Condition they are to be in, in a future State, *St. Paul* informs us, for he says, *They that Resist shall receive to themselves Damnation*; and surely no body will contest the Truth of that Doctrine, the Breach of which is attended with such dismal-Consequences. I hope therefore, since this Doctrine has been so U-niversally Preach'd and Approv'd, the Preaching of it now shall not be thought to Reflect on the Revolution, more than it has done hitherto, since Her Majesty's happy Accession to the Throne, and more than it did in the Reign of His late Majesty, who was the Glorious Instrument of that Happy Revolution. Was not his Majesty appriz'd of the necessary Means by which the Revolution was brought about? Had not his late Majesty as Tender a Regard for the Honour of the Revolution as any Body else can be suppos'd to have? No Body can doubt it; and yet this Doctrine was preach'd in His Time, in as General Terms as the Doctor has preach'd it, and not only without Objection, but with the Approbation of His Majesty, and both Houses of Parliament: And if all this will not Vindicate the Doctrine, yet I hope, it will at least excuse the Doctor from being a Criminal.

Can he be a Criminal for preaching that Doctrine which has been asserted by so many Archbishops, Bishops, and other eminent Divines, not only with Impunity, but even with the Approbation of both Houses of Parliament? That Doctrine which is enjoined by our Church, Ratify'd, Confirm'd and Establish'd by the Legislature, and which is the Doctrine of all the Protestant Churches in the World, which was the Doctrine of our Saviour himself, and which hath been the Doctrine ever since *Adam*, and will continue so as long as there is a Bible upon Earth?

Can a Man be a Criminal for preaching the Doctrine of Passive Obedience and Non-Resistance, though without Restriction and Limitation, while we are so Happy to have Her Majesty to Reign over us, upon whose Life the Welfare and Happiness of these Nations depend, as much (I hope I may be excus'd if I say more) than the Welfare of any Nation ever did upon the Life of any Prince whatsoever since the Foundation of the World? And therefore we are sure your Lordships will not lessen Her Security; and the rather, because it is impossible, during Her Majesty's Life, any Invasion, or the least Attempt should be made upon that Religion, that Liberty and Property, for the Preservation of which She run so great a Hazard.

This is what I humbly offer to your Lordships, on Behalf of my Client on this Head: And though I have mention'd these Instances, to show in what general Sense the Doctrine of Passive, Obedience has been preach'd, and that if the Doctor had asserted it in such General Terms, he could be no more a Criminal than others; yet it must be always understood that he does not assert it in such general Terms, but only asserts the utter Illegallity of Resistance to the Supreme Power in all Things lawful.

Before

Before I quit this Article I would take notice it has been objected, that it is highly Improper and Unseasonable for Divines in their Pulpits to meddle with Matters of this Nature; in Answer to which, I would (besides the Injunction that the Apostles have laid on their Successors, to put People in mind of being subject to Principalities and Powers) humbly offer to your Lordships Consideration a Bold and Seditious Paragraph in a Pamphlet printed in 1705, call'd *The Review*, which hath this Paragraph, *If the next Parliament should pursue the Steps of the last, the Nation, in my Opinion, will be so much nearer that Crisis of Time, when English Liberty being brought to the last Extremity, must open the Magazine of Original Power.* The same Author, speaking of the Family of the *Stuarts*, calls it *the Line of all the World fam'd for Blood, and that had ravaged the best Families of the Kingdom.* And in another Paragraph he says, *In short, if Jure Divino comes upon the Stage, the Queen has no more Title to the Crown than my Lord-Mayor's Horse; all the People are bound by the Laws of God to depose Her as an Usurper, and restore their Rightful and Lawful King James the Third.* If therefore to defame the whole Line of Her Majesty, to assert that the Pretender has an Hereditary Right to the Crown, if telling the People, if they do not like the Parliament, they must have Recourse to the Magazine of Original Power, be not sounding a Trumpet to Rebellion, and does not make this Doctrine seasonable and necessary to be preach'd at this Time, we submit it to your Lordships; and therefore I humbly hope, that instead of laying a Brand of indelible Infamy on this Doctrine, your Lordships, for the Preservation of Her Majesty and Her Successors, and for the Securing the Peace of the Kingdom, will convey this Doctrine as Intire, and in as full Force, down to Posterity, as it was transmitted to your Lordships by your Noble Progenitors.

And as to what one of the Honourable Gentlemen concluded with, viz. That your Lordships would direct what Doctrine the Ministers should preach:

If there be any Doctrine in the Bible not proper to be preach'd; if there be any Doctrine, except that of the Deity, of greater Antiquity than this, which commences from *Adam*, or is more useful or necessary for the Preservation of the Government, then we submit this Doctrine should be let alone. Upon the whole Matter, I am in your Lordships Judgment, if upon Consideration of what hath been said your Lordships can be of Opinion, that the Doctor is guilty of the High Crimes and Misdemeanors contain'd in the First Article.

Mr. Dec. MAY it please your Lordships, After so much has been said, and so well pressed, by the Gentlemen that have gone before me, of the Doctrine of Non-Resistance, (which is so well established by the Opinion of the Fathers of the Church, and founded on the Laws of the Land,) I should think my

my self very unmannerly to spend your Lordships Time in repeating it in worse Words, I beg leave only to make a few Remarks; first on some Generals, and then to add a few Words, and draw an Inference or Two from One Law that has not yet been taken notice of.

My Lords, We readily join with the Gentlemen who manag'd on Behalf of the House of Commons, in desiring your Lordships to assert Fundamentals, and desire your Lordships to consider the Ancient Legal Constitution of the Kingdom. This we readily comply with them in, and doubt not but your Lordships will do it.

My Lords, There was some Notice taken of the Time and Place where this Sermon was preach'd; and it was said by one of the Gentlemen that it was an improper Time, because it was a Doctrine fit only to be preach'd in the Reign of a bad Prince, but not of a Good one. My Lords, indeed I am at a Loss to understand that; I think, if at any Time, it is seasonable when we have so Gracious a Princess upon the Throne, much rather than in the Reign of a Tyrant or Usurper.

My Lords, This Doctrine has been made appear to your Lordships to be consonant to the Laws of God, and the Laws of the Land; and when we have laid before your Lordships our Proofs that have been open'd, I hope your Lordships will allow we have proved our Case.

The Gentlemen of the other Side said they had proved their Articles; but how? In no other Way than by reading the Sermon, which we hope shall be permitted to speak for it self.

My Lords, It was said that the Municipal Laws of the Land signifie, nothing only in Times of Peace. What the Meaning of that is I know not, unless that the Laws must be silent in the Time of War; but the Way to maintain Peace, and to prevent Blood and Wars at Home, is to preserve our Laws.

My Lords, It has been likewise urg'd as a Maxim, That there can be no Right but there must be a Remedy to preserve it: And there-upon it was hinted as if there was some secret Right vested in the People to do something they did not think fit to name. That Saying, my Lords, I take to be a Maxim in the Law, and to relate only to Legal Matters, and the Meaning of it to be, That when any Man has a Property, the same Law that gives that Property gives him a Remedy, if the same be invaded. But I never understood that Maxim to be meant of a Remedy by Force; and I am sure in most Cases such a Remedy is worse than the Disease.

My Lords, We would not be thought (I am sure no Gentleman of our Side would be thought) in the least to reflect on the Revolution mentioned in the Impeachment, nor does any Thing, as we think, that the Doctor has said in his Sermon in the least look that Way. The general Position of the utter Illegality of Resisting the Supreme Power does (as it has been observed already) imply in it a Condition, (which perhaps may extend to some other Cases,) and, as we say, extends to that of the Revolution.

One of the Managers instanced in the Fourth Command, which in general forbids any Work to be done on the Lord's Day, and yet, says he, Works of Necessity and Mercy are allowed to be done on that Day, and are an implied Exception. The like we say of the implied Exception to the general Doctrine laid down by the Doctor of the Illegality of Resistance.

My Lords, Certainly there is no Room to suppose any Reflection to be made on his late Majesty; for surely his Majesty wanted no Excuse for his coming hither, nor could he be guilty of any Thing that we properly call Resistance. He was a Sovereign Prince, and might do what he thought fit. He owed no Allegiance to any one, so could not be said to resist, in the Sense Resistance bears in the Doctor's Sermon, which is the Resistance by Subjects to the Supreme Power.

My Lords, I now beg Leave to mention the Act of the Second Year of King *William* and Queen *Mary*, Entituled, *An Act for a General Pardon*; by the last Clause whereof it is provided, *That nothing in that Act shall extend to Pardon or Discharge any one for counselling or procuring the raising War against their Majesties after the 13th Day of February, 1688, unless such Person shall before the 26th of July take the following Oath*: Then follows the Oath of Allegiance. From hence I beg Leave to make an Inference or Two: First, That it was the Sense of the Legislature at that Time, that those Persons that contrived or abetted the raising War against their Majesties after they came to the Crown were guilty of a High Crime, and stood in need of a Pardon: So that if any Thing had shaken the Doctrine of the Illegality of Resistance, here Resistance is made as Criminal as it was before. Secondly, It appears by that Clause to be the Opinion of the Legislature, that by the Oath of Allegiance, as it is now framed, this Doctrine of the utter Illegality of Resistance is firmly establish'd: For, my Lords, to what Purpose should that Oath be made the Condition of a Pardon for having resisted, unless they thought that Oath laid an Obligation on the Persons taking it, not to do so again?

My Lords, That Construction which some of the Managers for the Commons put on the Doctor's Sermon, that this Notion of Non-Resistance could only be applied to some Body beyond Sea, we think to be very hard and strained. I am sure it don't appear from any Thing the Doctor has said in his Sermon, but the contrary plainly appears; for the Doctor doth assert Her Majesty's Hereditary Right, and yet doth not reflect on the Revolution; for though he speaks of Her Majesty's Hereditary Right, he does not any-where say that She has no other than an Hereditary Right in Her. And it was owned by one of the Gentlemen that managed for the House of Commons, that his late Majesty had a Single Right by the Act of Settlement, but that Her Majesty has a Twofold Right, a Right according to the Act of Settlement, and an Hereditary Right too.

My

My Lords, There has been a great deal of Time spent, therefore I shall only make this one Remark further; that is, that the Learned Managers for the House of Commons have drawn very many Inferences by their Skill and Ingenuity from Passages in the Doctor's Sermon, which I believe none of your Lordships can think the Doctor ever thought of when he was composing his Sermon, or delivering it in the Pulpit.

Doctor Henchman. MY Lords, I am likewise assign'd Council for Doctor *Sacheverell*; but if he has been represented by the Learned Managers in his proper Colours, if he has been set before your Lordships in a true Light, and with his Mask off, I must beg Leave to say, that nothing less than the Commands of this Honourable House could prevail with any one to appear in his Defence. If he is a Mover of Sedition, and an Underminer of the Protestant Succession and present Establishment, if he has fomented destructive Divisions, and excited his Fellow-subjects to Arms and Violence, and has taken all Advantages to vent his seditious Notions in the most publick Manner, I must humbly think that no Body would dare to open his Mouth in his Behalf in the Face of the Government, and before the united Legislature of the whole Kingdom. I protest for myself I would not do it, and I believe I may say the same for all the Gentlemen that have spoke before me.

My Lords, The general Part of these Articles has been already largely spoken to, and I shall therefore apply myself directly to the First Article, and the First Branch of that Article, which has been made the Ground of this whole Accusation, viz. *That he does suggest and maintain that the necessary Means used to bring about the late Happy Revolution were Odious and Unjustifiable* I must own this is a Charge of a very high Nature, and has been aggravated to the utmost by the great Pains that the Gentlemen of the Honourable House of Commons, have taken, and the elaborate Speeches that have been made on this Head.

My Lords, The Justice of the Revolution is too plain to need any Vindication, every one of us is sensible of the happy Effects of it; and therefore for any one to cast Black and Odious Colours on it, would be, as has been truly said by the Honourable Managers, *a Reflection on his late Majesty, and must bring a foul Imputation on Her present Majesty and Government*, which, if the Revolution be Unjustifiable, must be an Usurpation, and all Her Subjects Rebels.

My Lords, The Clause made use of to prove this Part of the Article is in the 11th Page of the Sermon at *Paul's*, and has been often read, *The grand Security of our Government, and the very Pillar on which it stands, is founded upon the steady Belief of the Subjects Obligation to an Absolute and Unconditional Obedience to the Supreme Power in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.* This, my Lords, is the

the Ground of the Commons Impeachment, because here they say the Doctor condemns all Resistance, and in that the Resistance which was necessary to be made use of at the Revolution.

Whether what is here laid down be agreeable to the Doctrine of the Church of *England* is not my Province to determine, neither shall I now mis-spend your Lordships Time in establishing this Doctrine: That has been already sufficiently done, and the Doctor himself abundantly vindicated from the Doctrine of *St. Paul* himself, from the express Doctrine of the Church of *England* set forth in her Homilies, from the Writings of Bishops and Divines dead and living, from the known and unrepeal'd Laws of the Land, and from the Reasonableness of laying down a General Rule without any Exception. What farther Vindication can be necessary? Or how can a good Subject of the Realm, and a True Son of the Church, better make his Defence than from the Laws of the one, and the Doctrines of the other? But because the great Objection has been, that this Doctrine is here laid down without any Limitation or Exception all; and being my self of a different Profession from the Gentlemen that have spoke before me, I shall take a different Way in Vindication of this Passage, and beg leave to follow the Method prescrib'd by one of the Learned Managers of the House of Commons. It was said by one of them, *Ex Ore suo Judicabitur* My Lords, let him speak for himself, and then it will be seen if this Passage may not be justified by the very same Methods that have been made use of to accuse him. If nothing will satisfy the Gentlemen of the House of Commons but an Exception, an Exception they shall have, and that out of his own Mouth. It is in the 10th Page, and the beginning of that very Paragraph, where the whole Foundation of this Accusation is laid. But I don't well know whether I may venture to mention it, lest it should subject him to a Prosecution in the Spiritual Court, or the Censure of his Diocesan; but if it may help to acquit him from this Impeachment, I will advise him to run the Risque of any Prosecution elsewhere.

The Clause is this, *But, Secondly, Men may be denominated False Brethren with Relation to the State, Government, or Society of which they are Membrs. The Constitutions of most Governments differing according to their several Frames and Laws upon which they are Built and Founded, it is impossible to lay down any one Universal Rule, as the Scheme and Measure of Obedience, that may square to every one of them.*

My Lords, This is an observable Instance of this Gentleman's good Temper and Moderation; nothing can be said more like a good Christian, and a good Subject, and a Man of Temper: He is not here for bringing all Things to his own Rule, but every Government must stand upon its own Foundation, and be governed according to its own Rules. But he goes on; *Only this Maxim in general I presume may be establish'd, for the Safety, Tranquility, and Support, of all Governments, That no Innovation what-*
soever

soever should be allowed in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable, Necessity for it.

My Lords, in these Words there is a plain Exception made, whenever the Case of an unavoidable Necessity shall happen. No Body will deny but that the Revolution was such an unavoidable Case, and of Necessity, and what can't be reflected on but with great Satisfaction, and Thanks to God for bringing it about. But it seems very strange that this Exception should stand so very full and plain in the very Front of that Paragraph from which the Learned Managers have chiefly drawn this Accusation, and yet never be so much as once taken Notice of by them. Passages at a much greater Distance have been connected in order to Accuse him, and there can be no Reason given why the subsequent Passage in the same Paragraph should not be explained by this; why what in the beginning is said of all Governments in general, should not be extended to that Part where he speaks particularly of our own Constitution. This, no Doubt of it, he had in his Thoughts, and will, I hope, sufficiently Vindicate him from this Charge.

I shall trouble your Lordships no longer on this Head, but only observe, that the Doctor in his Answer has put himself upon his Defence, that this Doctrine is agreeable to the Doctrine of the Church of *England* and the Laws of the Land, and we are ready to produce his Vouchers, and make it evident to your Lordships.

Sir Simon Harcourt. My Lords, If we have not already tired your Lordships, there is this wide Difference between the Managers for the House of Commons and us; they desire your Lordships to trust them, and to take their Words in every thing; we humbly beg your Lordships to take our Words in nothing, but that you will give us leave to lay before you the Testimonies for every thing we have open'd; but they being very long, we humbly submit it to your Lordships, whether it will be proper for us now to produce them. The first Evidence we desire to read is, some godly and wholesome Doctrine contained in the Homilies; we have, my Lords, for your Lordships Ease, collected them by a Person that is ready to swear to them. We humbly submit it to your Lordships, whether it shall be read out of the Writing, or whether the Books themselves shall be produced; we shall observe your Lordships Commands, and proceed which Way your Lordships please.

Mr. Dodd. My Lords, We are ready to observe your Lordships Directions in this Matter; we have Collected the Passages out of the Homilies, the Articles, the Sermons, and Acts of Parliament; and have a Person ready to make Oath that they are truly Collected: But if there be any Objection, we are ready to refer to the Books themselves, and have them all here ready to produce.

Mr. Phipps. If your Lordships please, the Witness may be sworn.

Then Mr. Trapp was Sworn.

Lord

Lord Chancellor. If you offer any thing in Evidence, you must take the same Method that the Gentlemen of the House of Commons did; it must be proved, and then delivered in at the Table, and there read.

Sir Joseph Jekyll. My Lords, We have given the Gentlemen that are Council for the Prisoner no Disturbance in any thing they have said during their Defence, that so we might come to a Determination as speedily as possible in this Tryal, otherwise every Body must think we had Reason to Object to some things that have been said by the Council. That which they are now going to do is what we think proper to Deliberate upon, and, according to former Precedents, we desire to withdraw, and we will attend your Lordships again presently.

Mr. Smith. My Lords, I beg leave to speak one Word. We have endeavoured to behave our selves before your Lordships, according to the Duty we owe to the House of Commons, and to your Lordships; we think there is something offer'd that is fit for us to consider of; we don't propose more than for the Managers to withdraw for a few Minutes, for we think we have something to offer to your Lordships.

Accordingly the Managers withdrew, and then the Lords adjourned to their House above; and in a short time their Lordships being returned, and seated as before, and the Managers being returned to the Place appointed for them at their Lordships Bar, Proclamation for Silence was made by the Serjeant at Arms.

Sir Joseph Jekyll. My Lords, the Managers withdrew for two Reasons; the one, to consider of several Expressions that fell from the Council at the Bar, which we had Reason to take Exceptions to; the other was, to consider of the Evidence they offer to your Lordships. For the first, the Managers are so desirous that no Interruption should be given to the Doctor's Council in his Defence, that they at present take no Notice of it, but reserve that Matter to be taken Notice of at such other time as they shall think proper. As to the second, the Managers being unwilling the Doctor should be deprived of any thing that his Council can fancy is Material for his Defence, they are contented to let them go on in the way they proposed; but, to save your Lordships time, we admit the Books, Sermons and Pamphlets to be as they have open'd them.

Sir Simon Harcourt. My Lords, We humbly pray they may be read, because we have not open'd the tenth part of them.

Mr. Dodd. We have Collected them, to save your Lordships Time; but we have not open'd them, because we reserved them to be read.

Mr. Phipps. My Lords, the Witness is Sworn. Is that a true Copy of what it refers to?

Mr. Trapp. I did compare them with the Originals; it is a Transcript from the Original.

Mr. Phipps. Are they entire Paragraphs?

Mr. Trapp. They are most of them entire Passages.

Lord Chancellor. Gentlemen of the House of Commons, do you Object to the Evidence?

Sir Joseph Jekyll. No, my Lords.

Then the Lords Adjourned to their House above.

Saturday, March 4. The Sixth Day.

THE Lords being seated as usual, and the Commons in a Committee of the whole House, and the Managers at their Lordships Bar; the usual Proclamations being also made;

And Doctor *Sacheverell* appearing at the Bar:

Lord Chancellor. Gentlemen, you who are Council for Doctor *Sacheverell*, were proceeding to your Evidence, and had offered some Papers which you desired to be read in Evidence; and the Gentlemen of the House of Commons did agree to let them be read, as you desired.

Mr. Dodd. My Lords, We pray those Papers may be read.

Mr. Phipps. My Lords, The Defendant does in his Answer assert, "That the Doctrine of the Illegality of Resistance to the Supreme Power, is contained in the Homilies, and approved by many of the Divines of the Church of England; we desire now to have those Homilies, and the Sermons of those Divines, read."

Sir Joseph Jekyll. My Lords, The Gentlemen that opened for the Doctor were pleased to mention some Homilies and other Books, one intituled, *A Necessary Doctrine and Erudition for any Christian Man*, which they desired might be read, and said they had collected the Passages out of them in a Paper which they offered to your Lordships. We have look'd into that Paper, and find Extracts out of Gazettes, and other Papers. We are willing to let them read the Homilies, and that other Book called, *The Erudition for any Christian Man*; but when they come to the others, we pray they may produce the Books or Papers themselves.

Mr. Dodd. My Lords, We shall observe it accordingly.

Mr. Phipps. We pray we may begin with the Book Intituled, *The Erudition for any Christian Man*.

Clerk reads the Paper Abstract.] A necessary Doctrine and Erudition for any Christian Man, set furthe by the King's Majesty of England, &c. Anno 34 H. 8.

In the Exposition of the fyfthe Commandment.

And by this Commandment also Subjects be bounde not to withdrawe their *Fol. 113.* said Fealtie, Trough, Love and Obedience towards their Prince, for any Cause whatsoever it be, ne for any Cause they maye conspire against his Person, ne do any thing towards the Hindrance or Hurt thereof, nor of his Estate.

In the Exposition of the sixte Commandment.

Moreover, no Subjects may draw their Swords against their Prince, for any *Fol. 187.9.* Cause, whatsoever it be.

Mr. Dodd. If your Lordships please that we may now read several Passages in the Homilies.

Clerk reads.] The Second Part of the Sermon of Obedience, Pag. 110.

Whereby Christ taught us plainly, that even the wicked Rulers have their Power and Authority from God, and therefore it is not lawful for their Subjects to withstand them, although they abuse their Power.

But nevertheless, in that Case we may not in any wise withstand violently *Ibid. p.* or rebel against Rulers, or make any Insurrection, Sedition or Tumults, either *113.* by Force of Arms (or otherwise) against the Anointed of the Lord, or any of his Officers; but we must in such Case patiently suffer all Wrongs and Injuries, referring the Judgment of our Cause only to God.

The Third Part of the Sermon of Obedience, Page 114.

Ye have heard before, in this Sermon of good Order and Obedience, manifestly proved, both by the Scriptures and Examples, that all Subjects are bounden to obey their Magistrates, and for no Cause to resist, or withstand, or rebel, or make any Sedition against them, yea altho' they be wicked Men.

First Part of the Sermon against wilful Rebellion, Page 589.

What shall Subjects do then? Shall they obey valiant, stout, wise and good Princes, and contemn, disobey and rebel against Children being their Princes, or against undiscrēt and evil Governours? God forbid! For, First, what a perilous Thing were it to commit unto the Subjects the Judgment which Prince is wise and godly, and his Government good, and which is otherwise; as though the Foot must judge of the Head: An Enterprize very heinous, and must needs breed Rebellion.

And whereas indeed a Rebel is worse than the worst Prince, and Rebellion *Ibid. p.* worse than the worst Government of the worst Prince that hitherto hath *590.* been.

Second Part of the Sermon against wilful Rebellion, Pag. 600.

Now let David answer to such Demands, as Men desirous of Rebellion do use to make, Shall not we, especially being so good Men as we are, rise and rebel against a Prince, hated of God, and God's Enemy; and therefore like not to prosper either in War or Peace, but to be hurtful and pernicious to the Commonwealth? No, saith Good and Godly David.

But, say they, shall we not rise and rebel against so unkind a Prince, no- *Ibid. p.* thing considering or regarding our true, faithful and painful Service, or the *601.* Safeguard of our Posterity? No, saith good David.

Shall we not rise and rebel against our known, mortal, and deadly Enemy, *Ibid.* that seeketh our Lives? No, saith godly David.

Shall we not assemble an Army of such good Fellows as we are, and by *Ibid.* hazarding of our Lives, and the Lives of such as shall withstand us, and withal hazarding the whole Estate of our Country, remove so naughty a Prince? No, saith godly David.

What shall we then do to an evil, to an unkind Prince, an Enemy to us, *Ibid.* hated of God, hurtful to the Commonwealth, &c. Lay no violent Hand upon him (saith the good David) but let him live, until God appoint and work his End, either by natural Death or in War, by lawful Enemies, not by traiterous Subjects.

If King David would make these Answers, as by his Deeds and Words *Ibid. p.* recorded in the Holy Scriptures indeed he doth make, unto all such Demands *602.* concerning Rebelling against evil Princes, unkind Princes, cruel Princes,

Princes that be to their good Subjects mortal Enemies, Princes that are out of God's Favour, and so hurtful, or like to be hurtful to the Commonwealth.

Mr. Dodd. If your Lordships please now that we may read the Thirty fifth Article of the Church of *England*, which approves these Homilies.

Mr. Phipps. We opened, that these Homilies were approv'd of by the Articles of the Church of *England*, as containing sound and wholesome Doctrine, we pray the Thirty fifth Article may be read.

Clerk reads.] *Article the Thirty fifth. Of Homilies.*

The second Book of Homilies, the several Titles whereof we have joined under this Article, doth contain a godly and wholesome Doctrine, and necessary for these Times; as doth the former Book of Homilies, which were set forth in the Time of *Edward* the Sixth. And therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understood of the People. The Names of the Homilies. 1. Of the right Use of the Church. 2. Against Peril of Idolatry. 3. Of repairing and keeping clean of Churches. 4. Of good Works; First, of Fasting. 5. Against Gluttony and Drunkenness. 6. Against Excess of Apparel. 7. Of Prayer. 8. Of the Place and Time of Prayer. 9. That Common Prayers and Sacraments ought to be ministered in a known Tongue. 10. Of the reverend Estimation of God's Word. 11. Of Alms-doing. 12. Of the Nativity of Christ. 13. Of the Passion of Christ. 14. Of the Resurrection of Christ. 15. Of the worthy Receiving of the Sacrament of the Body and Blood of Christ. 16. Of the Gifts of the Holy Ghost. 17. For the Rogation Days. 18. Of the State of Matrimony, 19. Of Repentance. 20. Against Idleness. 21. Against Rebellion.

Mr. Phipps. By the Statute of 13 *Eliz.* these Articles are confirmed, I believe the Gentlemen of the House of Commons will allow of it.

Mr. Dodd. They are Confirmed by the Act of Uniformity, and we think we need not spend your Lordships Time in reading it.

Sir Jo. Jekyll. My Lords, We told them that we were willing to admit all they opened, and then we admit this.

Mr. Dodd. If your Lordships please, we will go on with the Abstract.

Mr. Phipps. The Gentlemen say that they admit us to read what we opened; now what we are going to read next we did not open, and therefore we submit it to your Lordships whether we shall read out of the Abstract, or produce the Book it self.

Sir Jo. Jekyll. My Lords, We desire to know what it is they would read.

Mr. Phipps. It is *Bishop Overall's Convocation Book*.

Mr. Dee. If your Lordships please we shall produce the Book, because there are some broken Passages collected, and there may be some Objection if the Book be not produced.

Mr. Phipps. My Lords, We hope the whole Canon which is mentioned in this Book, though it is recited by Parcels, shall be read.

Clerk reads.] And therefore-----

Sir

Sir Jo. Jekyll. My Lords, They are reading a Passage out of this Book; we might object, that a printed Book is no Proof of a Canon, and that they ought to make a legal Proof of it. But that which we Object is, That they begin in the middle of a Sentence; your Lordships observe the Clerk begins with the Words, *And therefore*; I pray he may read at the beginning of a Sentence.

Mr. Phipps. My Lords, Where the Clerk began was the beginning of that Canon, but it being at the End of another Canon, is the Reason that it begins *And therefore*.

Clerk reads.] And therefore, if any Man shall affirm, under Colour of any *Bishop* thing that is in the Scriptures, either that the Doctrine of Grace in the *New* Overall, *Testament* doth more Abolish the Rules of Nature, or Moral Law of God, *p. 107.* than it did in the *Old*; or, that through Faith the said Law was not rather *Can. 1.* Establish'd than in any sort Impeach'd; or, that because as many as believe are redeemed, and made free from the Curse of the Law, they are therefore exempted, and free from the Obedience of the Law; or, that by the Incarnation of our Saviour Christ, Obedience to the Fifth Commandment, touching Honour due to Parents and Princes, was in any sort Impeach'd, the rest of the Law being Establish'd; or, that our Saviour Christ having undertaken the Fulfilling of the whole Law, (as far forth, at the least, as ever Mankind was bound to have fulfilled it) came short in this one Law, by Exempting himself from any Obedience due to the Civil Magistrate; or, that he, having tied himself according to the said Commandment, as well to the Obedience of the Civil Magistrate, as the Obedience which was due to his Parents, did not, whilst he liv'd in the World, fulfil the Law wholly concerning them both; or, that he did any way, or at any time encourage the *Jews*, or any other, directly or indirectly, to Rebel, for any Cause whatsoever, against the *Roman* Emperor, or any of his Subordinate Magistrates; or, that he did not very willingly, both himself pay Tribute to *Cesar*, and also advise the *Jews* so to do; or, that when he willed the *Jews* to pay Tribute to *Cesar*, including therein their Duty of Obedience unto him, he did not therein deal Plainly and Sincerely, but meant Secretly that they should be Bound no longer to be Obedient unto him, but until by Force they should be able to Resist him; or, that he did not utterly and truly Condemn all Devices, Conferences, and Resolutions whatsoever, either in his own Apostles, or in any other Persons, for the using of Force against Civil Authority; or, that it is, or can be more Lawful for any private Persons, either of *St. Peter's* Calling, or of any other Profession, to draw their Swords against Authority, though in their rash Zeal they should hold it Lawful so to do, for the Preservation of Religion, than it was for *St. Peter* for the Preservation of his Master's Life; or, that by Christ's Words above mention'd, all Subjects of what Sort soever, without Exception, ought not, by the Law of God, to Perish with the Sword, that take, and use the Sword, for any Cause, against Kings and Sovereign Princes, under whom they were Born, or under whose Jurisdiction they do inhabit; or, that seeing our Saviour Christ would not have the *Samaritans* to be Destroyed with Fire from Heaven, although they were at that time Divided in Religion from the *Jews*, and refused to receive him in Person, it is not to be ascribed to the Spirit of Satan for any private Men to attempt by Gun powder, and Fire from Hell, to Blow up and Destroy their Sovereigns, and the whole State of the Country where they were Born and Bred, because in their Conceits they refused some Part of Christ's Doctrine and Government; or, that Christ did not well, and as the said Fifth Commandment did require, in submitting himself as he did to Authority, although he was first sent for with Swords and Staves, as if *Matth.* he had been a Thief, and then afterward carried to *Pilate*, and by him (al- *26. 25.* beit he found no Evil in him) condemn'd to Death; or, that by any Doctrine or Example, which Christ ever taught, or hath left upon good Record, it can be proved Lawful to any Subjects, for any Cause of what Na-

ture soever, to decline either the Authority and Jurisdiction of their Sovereign Princes, or of any their Lawful Deputies and Inferior Magistrates ruling under them; He doth greatly Err.

Mr. Phipps. My Lords, We opened, that from the Time of the Reformation this has been the Doctrine of the Church; we desire to begin, and shew it was Archbishop *Cranmer's* Opinion: In *Strype's* Memorial of Archbishop *Cranmer*.

London
Edition,
p. 387.
Folio.

Clerk reads.] The second Exhortation is, That next unto God you obey your King and Queen willingly and gladly, without Murmur or Grudging, and not for Fear of them only, but much more for the Fear of God. Knowing that they be God's Ministers, appointed by God to Rule and Govern you; and therefore whoso resisteth them, resisteth God's Ordinance.

Mr. Phipps. My Lords, We now offer a Declaration of Bishop *Ferrar*, Bishop *Hooper*, Bishop *Coverdale*, and about nine other Bishops, which is in *Fox's* History.

Vol. III.
p. 101.

Clerk reads.] Humbly requiring, and in the Bowels of our Saviour Jesus Christ, beseeching all that fear God to behave themselves as obedient Subjects to the Queen's Highness, and the Superior Powers, which are Ordained of God, under her, rather, after our Example, to give their Heads to the Block, than in any point to Rebel, or once to Mutter against the Lord's Anointed.

Mr. Dodd. If your Lordships please, he may read the Names of those Persons that have Subscribed it at the End of it.

Clerk reads.] The 8th Day of May, Anno Dom. 1554.
The Names of the prison'd Preachers subscribing to this Declaration, Robert Menaven alias Robert *Ferrar*, Rowland Taylor, John Philpott, John Bradford, John Wigorne, and Glouc. Episcopus alias John Hooper, Edward Crome, John Rogers, Lawrence Saunders, Edmund Lawrence, J. P. T. M.----- To these things abovesaid do I Miles Coverdale, late of Exon, consent and agree with these mine afflicted Brethren, being Prisoners, mine own Hand.

Mr. Phipps. My Lords, The next we offer is the Opinion of Bishop *Jewell*, in his Defence of the Apology for the Church of *England*, in Answer to Mr. *Harding*.

Printed
An. 1568.
fol. 19.

Clerk reads.] We teach the People as St. Paul doth, to be Subject to the higher Powers, not only for Fear, but also for Conscience: We teach them that whoso striketh with the Swerde by private Authority, shall perish with the Swerde: If the Prince happen to be Wicked, or Cruel, or Burthenous, We teach them to say with St. Ambrose, *Arma nostra sunt Preces & Lachrymae*, Tears and Prayers be our Weapons.

Mr. Dodd. My Lords, The next is Mr. *Hooker* in his Ecclesiastical Polity.

Fol. 470.
London
Edition
1705.

Clerk reads.] That Subjection which we owe to lawful Powers, doth not only import, that we should be under them by Order of our State, but that we shew all Submission towards them, both by Honour and Obedience; He that resisteth them resisteth God: And resisted they be, if either the Authority it self, which they exercise, be denied, as by Anabaptists all Secular Jurisdictions; or if Resistance be made, but only so far forth, as doth touch their Persons, which are invested with Power; (for they which said *Nolumus hunc regnare*, did not utterly exclude Regiment, nor did they wish all kind of Government clearly removed, which would not at the first have David to Govern;) or if that which they do by virtue of their Power, namely, their Laws, Edicts, Services, or other Acts of Jurisdiction, contrary to the blessed Apostles most Holy Rule, Obey them who have the Oversight of you, Heb. 13. 17.
be

be not suffered to take Effect, or if they do take Effect, yet is not the Will of God thereby satisfied neither, as long as that which we do is contemptuously or repiningly done, because we can do no otherwise; In such sort the *Israelites* in the Desert obey'd *Moses*, and were notwithstanding, deservedly plagued for Disobedience. The Apostles Precept therefore is, *Be subject even for God's sake, be subject not for Fear, but of meer Conscience, knowing, that he which resisteth them, purchaseth to himself Condemnation.*

M. Gen. Stanhope. My Lords, since *Hooker's Ecclesiastical Polity* is before your Lordships, and they have read that part, I pray that from pag. 444, to the latter end of pag. 446, may likewise be read.

Mr. Dodd. We submit it to your Lordships, whether it is proper to break into our Defence? Or whether the Gentlemen of the House of Commons will read what they think proper when they come to Reply? Your Lordships know the Course in other Courts is to give our Evidence intire.

Sir J. Fekyll. My Lords, the Indulgence of the Managers, to let the Doctor's Council go into this Evidence, is very great, (for I believe such sort of Evidence was never known before in any Court of Justice whatsoever;) but surely, as they have call'd this Witness, for so I may term the Book they were reading, we may be at liberty to cross-examine that Witness; perhaps the Place we desire to have read may explain the Passages read by them.

Mr. Phipps. My Lords, we submit to it.

M. Gen. Stanhope. Pray what Edition is that Book?

Clerk. It is Printed in 1705.

M. Gen. Stanhope. My Lords, If we should be mistaken in the Edition, I hope we shall not be hindred in our Reply from reading those Passages in the Edition which I have consulted.

Clerk reads.] Again, on whom the same is bestowed at Mens Discretions, Fol. 444. they likewise do hold it by Divine Right. If God in his revealed Word hath appointed such Power to be, although himself extraordinarily bestow it not, but leave the Appointment of Persons to Men; yea, albeit God do neither appoint nor assign the Person, nevertheless, when Men have Assigned and Established both, who doth doubt but that sundry Duties and Affairs depending thereupon are prescribed by the Word of God, and consequently by that very Right to be exerted? For Example sake, the Power which *Roman Emperors* had over foreign Provinces, was not a thing which the Law of God did ever Institute; neither was *Tiberius Cesar* by especial Commission from Heaven therewith invested, and yet Payment of Tribute unto *Cesar*, being now made Emperor, is the plain Law of Jesus Christ unto Kings by Human Right; Honour by very Divine Right is due. Man's Ordinances are many times proposed as Grounds in the Statutes of God: And therefore, of what kind soever the Means be whereby Governors are lawfully advanced to their States, as we by the Laws of God stand bound meekly to acknowledge them for God's Lieutenants, and to confess their Power His, so by the same Law they are both Authorized and Required to use that Power, as far as it may be in any State available to his Honour: The Law appointeth no Man to be a Husband, but if a Man hath betaken himself unto that Condition, it giveth him Power and Authority over his own Wife. That the Christian World should be ordered by the

Kingly Regiment, the Law of God doth not any where Command, and yet the Law of God doth give them, which once are exalted unto that place of Estate, Right to exact at the Hands of their Subjects general Obedience in whatsoever Affairs their Power may serve to Command, and God doth ratifie Works of that Sovereign Authority, which Kings have received by Men: This is therefore the Right whereby Kings do hold their Power; but yet in what sort the same doth rest and abide in them, it somewhat behooveth farther to search; where that we be not enforced to make over-large Discourses about the different Conditions of Sovereign or Supreme Power, that which we speak of Kings shall be in respect of the State, and according to the Nature of this Kingdom, where the People are in no Subjection, but such as willingly themselves have condescended unto for their own most Behoof and Security. In Kingdoms therefore of this Quality, the highest Governor hath indeed universal Dominion, but with Dependency upon that whole entire Body, over the several Parts whereof he hath Dominion; so that it standeth for an Axiom in this Case; The King is *Major singulis, universis Minor*: The King's Dependency we do not construe as some have done, who are of Opinion, that no Man's Birth can make him a King, but every particular Person advanced to such Authority hath, at his entrance into his Reign, the same bestowed on him as an Estate, in condition, by the voluntary Deed of the People in whom it doth lye, to put by any one, and to prefer some other before him better liked of, or judged fitter for the Place, and that the Party so rejected hath no Injury done unto him, no, altho' the same be done in a Place where the Crown doth go *Διὰ γένου*, by Succession, and to a Person which is Capital, and hath apparently, if Blood be respected, the nearest Right: They plainly affirm, in all well appointed Kingdoms, the Custom evermore hath been, and is, that Children succeed not their Parents 'till the People, after a sort, have created them anew; neither that they grow to their Fathers as natural and proper Heirs, but are then to be reckoned for Kings, when at the Hands of such as represent the King's Majesty they have by Sceptre and a Diadem received as it were the Investiture of a Kingly Power; their very Words are, "That where such Power is settled into a Family or Kindred, the Stock it self is thereby chosen, but not the Twig that springeth of it; The next of the Stock unto him that reigneth, are not through Nearness of Blood made Kings, but rather set forth to stand for the Kingdom; where Regal Dominion is Hereditary, it is notwithstanding (if we look to the Persons which have it) altogether Elective. To this purpose are selected heaps of Scriptures concerning the solemn Coronation or Inauguration of *Saul*, *David*, of *Solomon*, and others, by the Nobles, Ancients, and People of the Commonweal of *Israel*; As if these Solemnities were a kind of Deed, whereby the Right of Dominion is given, which strange, untrue, and unnatural Conceits, set abroad by Seeds-men of Rebellion, only to animate unquiet Spirits, and to feed them with possibility of aspiring to Thrones, if they can win the Hearts of the People, what Hereditary Title soever any other before them may have, I say, unjust and insolent Positions, I would not mention, were it not thereby to make the Countenance of Truth more Orient; for unless we will openly proclaim Defiance unto all Law, Equity and Reason, we must (there is no Remedy) acknowledge, that in Kingdoms, Hereditary Birth giveth Right unto Sovereign Dominion, and the Death of the Predecessor puts the Successor by Blood in Seisin. Those publick Solemnities before specified, do but serve for an open Testification of the Inheritor's Right, or belonging unto the form of inducting him into Possession of that Thing he hath Right unto: Therefore, in case it doth happen, that without Right of Blood, a Man in such wise be possessed, all these new Elections and Investings are utterly void, they make him no indefeazable Estate, the Inheritor by Blood may dispossess him as an Usurper. The Case thus standing, albeit we judge it a Thing most true, that Kings, even Inheritors, do hold their Right in the Power of Dominion, with Dependency upon the whole Body Politick, over which they have Rule as Kings, yet so it may not be understood, as if such Dependency did grow, for that every Supreme Governor doth Personally take from thence his Power, by way of Gift, bestowed of their

own free Accord upon him at the Time of his Entrance into the said Place of his Sovereign Government. But the Case of Dependency is that first Original Conveyance when Power was derived from the Whole into One; to pass from him unto them, whom out of him Nature, by Lawful Births, should produce, and no Natural or Legal Inability make incapable: "Neither can any Man with Reason think, but that the first Institution of Kings a sufficient Consideration, wherefore their Power should always depend on that from which it always flows, by Original Influence of Power from the Body unto the King, is the Cause of Kings Dependency in Power upon the Body. By Dependency we mean Subordination and Subjection; a manifest Token of which Dependency may be this: As there is no more certain Argument that Lands are held under any as Lords, than if we see that such Lands, in Defect of Heirs, fall unto them by Escheat; In like manner, it doth follow rightly, that seeing Dominion, when there is none to inherit it, it returneth unto the Body, therefore they which before were Inheritors thereof, did hold it with Dependency upon the Body: So that by comparing the Body with the Head, as touching Power, it seemeth always to reside in both, fundamentally and radically in the one, in the other derivatively; in one the Habit, in the other the Art of Power. May a Body Politick then at all Times withdraw, in Whole or in Part, the Influence of Dominion, which passeth from it, if Inconveniencies do grow thereby? It must be presumed, that Supreme Governors will not in such Case oppose themselves, and be stiff in detaining that, the Use whereof is with publick Detriment: But surely without their Consent I see not how the Body by any just Means should be able to help it self, saving when Dominion doth Escheat such Things, therefore must be thought upon beforehand that Power may be limited e'er it be granted, which is the next Thing we are to consider.

Mr. Dodd. We now produce Bishop *Andrews's* Sermons.

Clerk Reads.] To deprive or depose them? Sure where the worst is reckoned that can be of them, *Clamabunt ad Dominum* is all I find, 1 Sam. 8. 18. No *Per* to do it but he. By him, and by none but by him, they be; by him, and by none but by him, they cease to be. London Edition, Fol. 1632 p. 939.

Mr. Phipps. We desire to read another Passage out of *Mr. Hooker*, in a Treatise of Church Government.

Clerk Reads.] A Treatise of Church Government: To which is added a Treatise of the Regal Power, and of the Novelty of the Doctrine of Resistance, Published by Dr. *Bernard* in his *Clavi Trabales*.

Lord Chancellor. This is a Collection of the Works of several Persons; so that it don't appear whose Works these are that you are reading.

Mr. Phipps. That which we offer to be read is *Mr. Hooker's*, and is left out of the Book which was printed before.

Clerk Reads.] There is a Supreme Head of Justice whereunto All are Subject, but It self in Subjection to None; which kind of Preeminence if some ought to have in a Kingdom, who but the King shall have it? Kings therefore no Man can have Lawful Power and Authority to judge; if private Men offend, there is the Magistrate over them which judgeth; if Magistrates, They have Their Prince; if Princes there is Heaven, a Tribunal before which they shall appear, On Earth They are not Accountable to any. Lond. Edit. 1601. 4to. pag. 49, 50.

Mr. Phipps. My Lords, We offer Doctor *Jackson's*, and Bishop *Usher's* Opinion in this Matter. And first Doctor *Jackson*.

Tom. 3. Clerk Reads.] He that is a King or Supreme Magistrate, by just and
p. 965. lawful Title, may not be thus resisted, albeit he exercise his Power Tyrannically.

Mr. Phipps. The next is Archbishop *Usher*, in a Treatise called, *The Power communicated by God to the Prince, and the Obedience required of the Subject, &c.*

Pag. 157. Clerk Reads.] But if Mens Hands be thus tyed (will some say) no Man's
Lond. State can be secure: Nay, the whole Frame of the Commonwealth would
1683. be in Danger to be subverted and utterly ruined by the unbridled Lust of a
8vo. distemper'd Governour.

I answer, God's Word is clear in the Point, *Whosoever resisteth the Power, resisteth the Ordinance of God, and they that resist, shall receive to themselves Damnation*; and thereby a Necessity is imposed upon us, of being subject even for Conscience sake, which may not be avoided by the Pretext of any ensuing Mischief whatsoever.

Mr. Phipps. My Lords, We offer next the Authority of Mr. *Chillingworth*, and we need say no more of him than to mention that it is Mr. *Chillingworth*, and his Character is so established by the Lord *Clarendon*, that we need say no more of it.

Fol. 330. Clerk Reads.] They that make no Scruple at all of fighting with his
Lond. Sacred Majesty, and shooting Muskets and Ordnance at him (which sure
1704. have not the Skill to chuse a Subject from a King) to the extreme Ha-
Folio. zard of his Sacred Person, whom by all possible Obligations they are bound to defend, do they know, think you, the General Rule without Exception or Limitation left by the Holy Ghost for our Direction in all such Cases? *Who can lift up his Hand against the Lord's Anointed, and be innocent?* 1 Sam. 26. 9. Or do they consider his Command in the Proverbs of Solomon, *My Son, fear God and the King, and meddle not with them that desire Change?* Pro. 24. 21. Or his Council in the Book of Ecclesiastes, *I counsel thee to keep the King's Commandment, and that in Regard of the Oath of God?* Eccles. 8. 2. Or because they possibly may pretend that they are exempted from, or unconcerned in the Commands of Obedience delivered in the Old Testament; Do they know and remember the Precept given to all Christians by St. Peter, *Submit your selves to every Ordinance of Man for the Lord's sake, whether it be to the King as Supreme, or unto Governours, as unto them that are sent by him?* Or that terrible sanction of the same Command, *They that resist shall receive to themselves Damnation*, left us by St. Paul in his Epistle to the Romans, who then were the miserable Subjects of the worst King, the worst Man, nay, I think, I may add truly, the worst Beast in the World? that so all Rebels Mouths might be stopt for ever, and left without all Colour or Pretence whatsoever to justify the Resistance of Sovereign Power.

Mr. Phipps. My Lords, The next we offer is Archbishop *Bramhall*, sometime Bishop of *Armagh*.

Pag. 531. Clerk Reads.] The same Oath binds us to defend him against all Con-
Dublin spiracies and Attempts whatsoever, which shall be made against his Person
1678. or Crown, to defend him, much more therefore not to offend him, against
Folio. all Conspiracies and Attempts whatsoever; that Oath which binds us to defend him against all Attempts whatsoever, presupposeth that no Attempt against him can be justified by Law, whether these Attempts be against his Person or his Crown.

Ibid. fol. Clerk Reads.] If a Sovereign shall persecute his Subjects for not doing
542. his unjust Commands, yet it is not lawful to resist by raising Arms against him, *They that resist shall receive to themselves Damnation*; But they ask, Is there no Limitation? I answer, *ubi Lex non distinguit, nec nos distinguere de-*

debetur; How shall we limit where God hath not limited, or distinguish where he hath not distinguish'd?

Mr. Dodd. My Lords, The next is Bishop *Sanderson*. 7

Clerk Reads.] No Conjunction of *Circumstances* whatsoever, can make *Fol. 522.* that *Expedient* to be done at any time, that is, of it self and in the kind *unlawful*. For a Man to *blaspheme* the holy Name of God, to *sacrifice* to Idols, to give *wrong Sentence* in Judgment, by his Power to *oppress* those that are not able to withstand him, by *Subtilty* to *over-reach* others in bargaining, to *take up Arms* (offensive or defensive) against a *lawful Sovereign*: None of these, and sundry other things of like Nature, being all of them simply, and *de toto genere* unlawful, may be done by any *Man*, at any *Time*, in any *Case*, upon any *Colour* or *Pretension* whatsoever; the *Express Command* of God himself only excepted, as in the *Case* of *Abraham* for sacrificing his Son. Not for the avoiding of *Scandal*, not at the *Instance* of any *Friend*, or *Command* of any *Power* upon Earth; nor for the *Maintenance* of the *Lives* or *Liberties* either of our selves or others; nor for the *Defence* of *Religion*; not for the *Preservation* of a *Church* or *State*; no nor yet, if that could be imagin'd possible, for the *Salvation* of a *Soul*; no, not for the *Redemption* of the *whole World*.

Mr. Phipps. My Lords, Doctor *Sacheverell* being educated in the University of Oxford, we offer the Decrees of that University touching this Matter. They were published in the *Gazette* the 26th of *July*, 1683, by *Authority*.

Clerk Reads.]

Numb. 1845.

The London Gazette. Published by Authority

From *Monday July 23.* to *Thursday July 26.* 1683.

Whitehall, July 24. This Day was presented to his Majesty the following Judgment and Decree of the University of *Oxford*, past in their Convocation, on *Saturday* the 21st Instant.

The Judgment and Decree of the University of *Oxford*, past in their Convocation, *July 21.* 1683. against certain pernicious Books, and damnable Doctrines, destructive to the Sacred Persons of Princes, their State and Government, and of all Human Society.

Altho' the barbarous Assassination lately enterprised against the Person of his Sacred Majesty, and his Royal Brother, engage all our Thoughts to reflect with utmost Detestation and Abhorrence on that execrable Villany, hateful to God and Man; and pay our due Acknowledgments to the Divine Providence, which by extraordinary Methods brought it to pass, That the Breath of our Nostrils, the Anointed of the Lord, is not taken in the Pit which was prepared for him; and that under his Shadow we continue to live, and enjoy the Blessings of his Government; yet notwithstanding we find it to be a necessary Duty at this Time, to search into, and lay open those impious Doctrines, which having of late been studiously disseminated, gave Rise and Growth to these Nefarious Attempts, and pass upon them our solemn publick Censure and Decree of Condemnation.

Therefore, to the Honour of the Holy and undivided Trinity, the Preservation of Catholick Truth in the Church, and that the King's Majesty may be secured both from the Attempts of open bloody Enemies, and Machinations of Treacherous Hereticks and Schismatics; We the Vice-Chancellor, Doctors, Proctors, and Masters, Regent and not Regent, met in Convocation, in the accustomed Manner, Time and Place, on *Saturday* the one and twentieth Day of *July*, in the Year One thousand six hundred and eighty three, concerning certain Propositions contain'd in divers Books and Writings, publish'd in the *English* and also the *Latin* Tongue, repugnant to the Holy Scriptures, Decrees of Councils, Writings of the Fathers, the Faith and Profession of the Primitive Church; and also destructive

structive of the Kingly Government, the Safety of his Majesty's Person, the publick Peace, the Laws of Nature, and Bonds of Human Society, by our unanimous Assent and Consent, have decreed and determined in Manner and Form following.

The First Proposition.

All Civil Authority is derived Originally from the People.

The Second.

There is a mutual Compact, Tacit or Express, between a Prince and his Subjects; and that if he perform not his Duty, they are discharged from theirs.

The Third.

That if lawful Governours become Tyrants, or govern otherwise than by the Laws of God and Man they ought to do, they forfeit the Right they had unto their Government. *Lex Rex Buchanan de Jure Regni. Vindicta contra Tyrannos. Bellarmine de Conciliis. De Pontificie Milton. Goodwin. Baxter. H. C.*

The Fourth.

The Sovereignty of England is in the three Estates, viz. King, Lords and Commons. The King has but a Co-ordinate Power, and may be over-ruled by the other two. *Lex Rex. Hunton of a limited and mixed Monarchy. Baxter H. C. Polit. Catechis.*

The Fifth.

Birth-right and Proximity of Blood give no Title to Rule or Government; and it is lawful to preclude the next Heir from his Right and Succession to the Crown. *Lex Rex. Hunt's Postscript. Doleman's History of Succession. Julian the Apostate. Mene Tekell.*

The Sixth.

It is Lawful for Subjects, without the Consent, and against the Command of the Supreme Magistrate, to enter into Leagues, Covenants and Associations, for Defence of themselves and their Religion. *Solemn League and Covenant. Late Association.*

The Seventh.

Self-Preservation is the Fundamental Law of Nature, and supersedes the Obligation of all others, whensoever they stand in Competition with it. *Hobbs de Cive Leviathan.*

The Eighth.

The Doctrine of the Gospel concerning patient Suffering of Injuries, is not inconsistent with violent resisting of the higher Powers in case of Persecution for Religion. *Lex Rex. Julian Apostate. Apolog. Relat.*

The Ninth.

There lyes no Obligation upon Christians to Passive Obedience, when the Prince commands any thing against the Laws of our Country; and the Primitive Christians chose rather to die than resist, because Christianity was not settled by the Laws of the Empire. *Julian Apostate.*

The Tenth.

Possession and Strength give a Right to Govern; and Success in a Cause or Enterprize proclaims it to be Lawful and Just: To pursue it, is to comply with the Will of God, because it is to follow the Conduct of his Providence. *Hobbs. Owen's Sermon before the Regicides, Jan. 31. 1648. Baxter. Jenken's Petition, Oct. 1651.*

The Eleventh.

In the State of Nature there is no difference between Good and Evil, Right and Wrong: The State of Nature is a State of War, in which every Man hath a Right to all things.

The Twelfth.

The Foundation of Civil Authority is this natural Right, which is not given, but left to the Supreme Magistrate upon Mens entering into Societies; and not only a Foreign Invader, but a Domestick Rebel, puts himself again into a State of Nature, to be proceeded against, not as a Subject, but an Enemy, and consequently acquires by his Rebellion, the same Right over the Life of his Prince, as the Prince for the most heinous Crimes has over the Life of his own Subjects.

The Thirteenth.

Every Man after his entring into a Society, retains a Right of defending himself against Force, and cannot Transferr that Right to the Commonwealth, when he consents to that Union whereby a Commonwealth is made; and in case a great many Men together have already resisted the Commonwealth, for which every one of them expecteth Death, they have liberty then to join together to assist and defend one another. Their bearing of Arms, subsequent to the first Breach of their Duty, tho' it be to maintain what they have done, is no new unjust Act; and if it be only to defend their Persons, is not unjust at all.

The Fourteenth.

An Oath superadds no Obligation to Pact, and a Pact obliges no farther than it is credited; and consequently, if a Prince gives any Indication that he does not believe the Promises of Fealty and Allegiance made by any of his Subjects, they are thereby freed from their Subjection, and notwithstanding their Pacts and Oaths, may lawfully Rebel against and destroy their Sovereign. *Hobbs de Cive Leviathan.*

The Fifteenth.

If a People that by Oath and Duty are obliged to a Sovereign, shall sinfully dispossess him, and contrary to their Covenants, chuse and covenant with another, they may be obliged by their later Covenants, notwithstanding their former. *Baxter H. C.*

The Sixteenth.

All Oaths are unlawful, and contrary to the Word of God. *Quakers.*

The Seventeenth.

An Oath obligeth not in the Sense of the Imposer, but the Takers. *Sheriff's Case.*

The Eighteenth.

Dominion is founded in Grace.

The Nineteenth.

The Powers of this World are Usurpations upon the Prerogative of Jesus Christ; and is it the Duty of God's People to destroy them, in order to the setting Christ upon his Throne. *Fifth-Monarchy-men.*

The Twentieth.

The Presbyterian Government is the Scepter of Christ's Kingdom, to which Kings as well as others are bound to submit; and the King's Supremacy in Ecclesiastical Affairs, Asserted by the Church of England, is injurious to Christ, the sole King and Head of his Church. *Altare Damascenum. Apolog. Relat. Hist. Indulg. Cartwright. Travers.*

The Twenty first.

It is not Lawful for Superiors to impose any thing in the Worship of God, that is not antecedently necessary.

The Twenty second.

The Duty of not offending a weak Brother, is inconsistent with all Humane Authority of making Laws concerning indifferent Things. *Protestant Reconciler.*

The Twenty third.

Wicked Kings and Tyrants ought to be put to Death; and if the Judges and inferior Magistrates will not do their Office, the Power of the Sword devolves to the People; if the major Part of the People refuse to Exercise this Power, then the Ministers may Excommunicate such a King; after which it is Lawful for any of the Subjects to kill him, as the People did *Athaliah*, and *Jehu Jezebell*. *Buchanan. Knox. Goodman. Gilby. Jesuits.*

The Twenty fourth.

After the Sealing of the Scripture Canon, the People of God in all Ages are to expect new Revelations for a Rule of their Actions; and it is Lawful for a private Man, having an inward Motion from God, to kill a Tyrant. *Quakers and other Enthusiasts. Goodman.*

The Twenty fifth.

The Example of *Phineas* is to us instead of a Command; for what God hath Commanded or Approved in one Age, must needs oblige in all. *Goodman. Knox. Napthali.*

The Twenty sixth.

King Charles the First was Lawfully put to Death, and his Murderers were the blessed Instruments of God's Glory in their Generation. *Milton. Goodwin. Owen.*

The Twenty seventh.

King Charles the First made War upon his Parliament, and in such a Case the King may not only be resisted, but he ceaseth to be King. *Baxter.*

We Decree, Judge, and Declare all and every of these Propositions to be False, Seditious, and Impious, and most of them to be also Heretical and Blasphemous, Infamous to Christian Religion, and Destructive of all Government in Church and State.

We farther Decree, That the Books which contain the aforesaid Propositions and impious Doctrines, are fitted to deprave good Manners, corrupt the Minds of unwary Men, stir up Seditions and Tumults, overthrow States and Kingdoms, and lead to Rebellion, Murther of Princes, and Atheism it self: And therefore we Interdict all Members of the University from the Reading of the said Books, under the Penalties in the Statutes express'd. We also order the said recited Books to be publicly burnt by the Hand of our Marshal, in the Court of our Schools.

Likewise we Order, That in perpetual Memory hereof, these our Decrees shall be entred in the Registry of our Convocation; and that Copies of them being communicated to the several Colleges and Halls within this University, they be there publicly affix'd in the Libraries, Refectories, or other fit Places, where they may be seen and read of all.

Lastly, We command and strictly injoin all and singular the Readers, Tutors, Catechists, and others to whom the Care and Trust of Institution of Youth is committed, that they diligently Instruct and Ground their Scholars in that most necessary Doctrine, which in a manner is the Badge and Character of the Church of England, *Of submitting to every Ordinance of Man for the Lord's sake, whether it be to the King as Supreme, or unto Governors as unto them that are sent by him, for the Punishment of evil Doers, and for the Praise of them that do well.* Teaching that this Submission and Obedience is to be clear, absolute, and without Exception of any State or Order of Men. Also that they, according to the Apostle's Precept, exhort, *That first of all Supplications, Prayers, Intercessions, and giving of Thanks be made for all Men, for the King, and all that are in Authority, that we may lead a quiet and peaceable Life in all Godliness and Honesty, for this is good and acceptable in the sight of God our Saviour.* And in especial manner that they press and oblige them humbly to offer their most ardent and daily Prayers at the Throne of Grace, for the Preservation of our Sovereign Lord King Charles, from the Attempts of open Violence and secret Machinations of perfidious Traitors; that the Defender of the Faith, being safe under the Defence of the most High, may continue his Reign on Earth, till he exchange it for that of a late and happy Immortality.

Mr. Phipps. My Lords, To shew that this was likewise at the same time Archbishop Tillotson's Opinion, we desire to read his Letter which he wrote to my Lord *Russel*, when he was under his Condemnation in *Newgate*, the 20th of July 1683.

Clerk Reads.] My Lord, I was heartily glad to see your Lordship this Morning in that calm and devout Temper at receiving of the Blessed Sacrament; but Peace of Mind, unless it be well grounded, will avail little: And because transient Discourse many times hath little effect for want of Time to weigh and consider it, therefore, in tender Compassion of your Lordship's Case, and from all the good Will that one Man can bear to another, I do humbly offer to your Lordship's deliberate Thoughts these following Considerations concerning the Points of Resistance, if our Religion and Rights should be invaded, as your Lordship puts the Case; concerning

cerning which, I understand by Dr. B. that your Lordship had once receiv'd Satisfaction, and am sorry to find a Change.

First, That the Christian Religion doth plainly forbid the Resistance of Authority.

Secondly, That tho' our Religion be establish'd by Law (which your Lordship urges as a Difference between our Case and that of the Primitive Christians) yet in the same Law which establishes our Religion it is declar'd, That it is not lawful upon any Pretence whatsoever to take up Arms, &c. Besides, that there is a particular Law declaring the Power of the Militia to be solely in the King; and that tyes the Hands of Subjects, tho' the Law of Nature, and the general Rules of Scripture had left us at Liberty, which I believe they do not, because the Government and Peace of human Society could not well subsist upon these Terms.

Thirdly, Your Lordship's Opinion is contrary to the declar'd Doctrine of all Protestant Churches; and tho' some particular Persons have taught otherwise, yet they have been contradicted herein, and condemn'd for it, by the Generality of Protestants. I beg your Lordship to consider how it will agree with an avow'd asserting of the Protestant Religion, to go contrary to the general Doctrine of Protestants: My End in this is, to convince your Lordship that you are in a very great and dangerous Mistake; and being so convinc'd, that which was before a Sin of Ignorance, will appear of much more heinous Nature, as in truth it is, and call for a very particular and deep Repentance; which if your Lordship sincerely exercise upon the sight of your Error, by a penitent acknowledgment of it to God and Men, you will not only obtain Forgiveness of God, but prevent a mighty Scandal to the Reform'd Religion. I am very loth to give your Lordship any Disquiet in the Distress you are in, which I commiserate from my Heart, but am much more concern'd that you do not leave the World in a Delusion and false Peace, to the hindrance of your eternal Happiness. I heartily pray for you, and beseech your Lordship to believe that I am, with the greatest Sincerity and Compassion in the World,

My Lord,

Your Lordship's most Faithful and Afflicted Servant,

J. TILLOTSON.

Mr. Phipps. My Lords, We next offer the Opinion of Bishop Stillingfleet.

Clerk reads.] A Vindication of the Answer to some late Papers concerning the Unity and Authority of the Catholick Church, and the Reformation of the Church of England.

But it hath been said by some Body, *That we had our Government and Ceremonies from his Church, our Doctrine from Luther and Calvin; and that we had nothing peculiar to our Church, but our Doctrine of Non-Resistance, and much good may it do us;* and we hope we shall never fare the worse for it. This might give Occasion to enquire, whether the Church, which pretends to be infallible, doth teach it so Orthodoxly or not? Or whether those who do think themselves oblig'd to believe what she teaches, are thereby oblig'd to the strictest Principles of Loyalty? But I forbear. It is sufficient to my Purpose to shew that our Church doth not only teach them, as her own Doctrine, but, which is far more effectual, as the Doctrine of Christ and his Apostles, and of the Primitive Church.

Mr. Phipps. My Lords, The same Bishop in a *Discourse of the Unreasonableness of a new Separation*, takes notice of some Objections made by those who are Friends to the Government, as if Non-Resistance were not consistent with the Revolution.

Lord Chancellor. There is no Name of an Author to these Books which you now produce.

Mr. Dodd.

Mr. Dodd. The Book is generally known by all Learned Men to be Bishop *Stillington's*. *Mr. Chiswell*, who printed it, attended here three Days to prove it, but is ill now; but he has left a Certificate that he printed it, and all Learned Men know it to be his.

Page 8.
London
1689.

Clerk Reads.] I come to the particular Examination of the Difficulties which relate to the present Oaths [to King *William* and Queen *Mary*] and because we are charg'd with Apostacy from the Principles of the Church of *England*, and that is made the main Ground of the design'd Separation, I would fain know what this Charge is built upon, with respect to the Oaths, for that is all we are concern'd in. If any particular Persons have advanc'd new Hypotheses of Government, contrary to the Sense of our Church, let them answer for themselves. The Case of the Oaths is quite of another Nature; here is no Renouncing the Doctrine of Passive Obedience, or asserting the Lawfulness of Resistance.

Mr. Phipps. Your Lordships observe that since the Revolution that general Doctrine of Obedience is asserted by him.

Mr. Dodd. My Lords, The next we offer is Dr. Sherlock in his *Case of Allegiance stated*.

Page 37.
London
1691.
Quarto.

Clerk reads.] And Bishop *Overall's* Convocation Book, which is lately publish'd, the principal Design of which is to assert the irresistible Authority of Sovereign Princes, does as plainly assert this too, That all settled Governments, whatever their Beginnings were, have God's Authority, and must be obey'd, of which more above: For those wise Men, who sat in that Convocation, plainly saw the necessary Connexion between Non-Resistance and Obedience to the present Powers; both which were equally resolv'd into the Authority of God, in removing Kings, and setting up Kings: So that Obedience and Allegiance to the present Powers, when they are once well settled among us, is so far from being a renouncing of the Doctrine of Non-Resistance and Passive Obedience, that those who refuse to comply, must renounce the only Principle whereon that Doctrine is reasonably founded, and consequently renounce the Doctrine it self.

Mr. Phipps. My Lords, We now offer a Book, Publish'd by the late Bishop Beveridge, which was publish'd by Her Majesty's Licence, countersign'd by the Earl of *Sunderland*.

Clerk reads.]

ANNE R.

Whereas our Trusty and Well-beloved *Richard Smith*, of Our City of *London*, Bookseller, has humbly represented unto us, that he has with great Labour and Expence, prepar'd for the Press, a new Edition of the Sermons and other Works, written in *English* by the Right Reverend Father in God, Dr. *William Beveridge*, Bishop of *St. Asaph* deceas'd; And has therefore humbly besought us to grant him our Royal Privilege and Licence for the sole Printing and Publishing thereof, for the Term of Fourteen Years: We being willing to give all due Encouragement to Works of this Nature, tending to the Advancement of Piety and Learning, are graciously pleased to condescend to his Request; and do therefore, by these Presents, grant to him the said *Richard Smith*, his Executors, Administrators and Assigns, Our Royal Licence for the sole Printing and Publishing the *English* Works of the said late Bishop of *St. Asaph* for the Term of fourteen Years from the Date hereof; strictly forbidding all our Subjects, within our Kingdoms and Dominions, to Reprint the same, either in Whole or in Part, or to Export, buy, Vend, utter or distribute any Copies thereof reprinted beyond Seas, during the

the aforeſaid Term of fourteen Years, without the Conſent and Approbation of the ſaid *Richard Smith*, his Heirs, Executors and Aſſigns, under his, or their Hands and Seals, firſt had and obtain'd, as they will answer the contrary at their Peril; whereof the Maſter, Wardens and Company of *Stationers* are to take Notice, that the ſame may be enter'd in their Register, and that due Obedience be render'd thereunto. Given at Our Court at *Kenſington*, the fifth Day of *June* 1708. in the Seventh Year of our Reign.
By Her Maſteſty's Command, S U N D E R L A N D.

Private Thoughts upon Religion, digeſted into Twelve Articles, with Praſtical Reſolutions form'd thereupon. By the Right Reverend Father in God, *William Beveridge*, D. D. late Lord Biſhop of *St. Aſaph*.

Reſolution I. I am reſolv'd, by the Grace of God, to Honour and Obey the King, or Prince, whom God is pleas'd to ſet over me; as well as to expect he ſhould ſafe-guard and protect me, whom God is Pleas'd to ſet under him.

The King of Kings, and Lord of Lords, the great and glorious Monarch of all the World, having enacted many gracious Laws, is pleas'd to ſet over every Kingdom and Nation, ſuch Perſons as may put them in Execution; ſo that I cannot but look upon a lawful King as truly a Representative of the moſt high God, as a Parliament is of the People: And am therefore perſuaded that whoſoever rebels againſt him, rebels againſt God himſelf; not only in that he rebels againſt the Ordinance of God, and ſo againſt the God of that Ordinance, but becauſe he rebels againſt him, whom God hath ſet up as his Vicegerent, to repreſent his Perſon, and execute his Laws, in ſuch a part of his Dominions.

Hence it is, that theſe two Precepts, *Fear God, and Honour the King*, are ſo often joyn'd together in Holy Writ; for he that fears God's Power, cannot but honour his Authority; and he that honours not the King that repreſents God, cannot be ſaid to fear God, who is repreſented by him. And hence likewiſe it is, that God hath been as ſtrict and expreſs in enjoining us Obedience to our Governours, as to himſelf: For, thus ſaith the Lord of Hoſts, *Rom. 13. 1. Let every Soul be ſubject to the Higher Powers. Why? Becauſe there is no Power but of God; the Powers that be, are ordain'd of God.*

And he has denounc'd as great a Judgment againſt ſuch as rebel againſt the Magiſtrate he hath ordain'd, as againſt thoſe that rebel againſt himſelf: For, *Whoſoever reſiſteth the Power, reſiſteth the Ordinance of God; and they that reſiſt ſhall receive to themſelves Damnation*, ver. 2. So that the Wrath of God ſhall as certainly fall upon thoſe that riſe up againſt the King, as upon thoſe that fight againſt God. And no wonder, that the Punishment ſhould be the ſame, when the Fault is the ſame: For he that fights againſt his King, fights againſt God himſelf, who hath inveſted him with that Power and Authority to govern his People, repreſenting his own glorious Maſteſty before him.

Upon this Ground it is, that I believe the Wickedneſs of a Prince cannot be a ſufficient Plea for the Diſobedience of his Subjects: for it is not the Holineſs, but the Authority of God that he repreſents, which the moſt Wicked, as well as the moſt Holy Perſon may be endow'd with: And therefore, when the Goſpel firſt began to ſpread it ſelf over the Earth, tho' there was no Chriſtian King, or Supreme Magiſtrate, of what Title ſoever, to cheriſh and protect it; nay, though the Civil Powers were then the greateſt Enemies to it, yet, even then, were the Diſciples of Chriſt enjoin'd to *ſubmit themſelves to every Ordinance of Man, for the Lord's ſake.*

Inſomuch, that did I live among the *Turks*, I ſhould look upon it as my Duty to obey the *Grand Seignior*, in all his Lawful Edicts, as well as the moſt Chriſtian and Pious King in the World. For, ſuppoſe a Prince be never ſo wicked, and never ſo negligent in his Duty of Protecting me, it doth not follow, that I muſt neglect mine of Obeying him. In ſuch a caſe, I have another Duty added to this, and that is, to pray for him, and to intercede with God for his Conversion: For, thus hath the King of Kings commanded, that *Prayers, Supplications, Interceſſions, and giving of Thanks be made, as for all Men, ſo more eſpecially for Kings, and thoſe that are in Authority, that we may live a quiet and peaceable Life, in all Godlineſs and Honesty*, 1 Tim. 2. 1, 2. So that whenſoever I addreſs to the Court of Heaven, I muſt be ſure to remember my Sovereign on Earth, that God would be pleas'd to enable his Servant to reign on Earth, as himſelf doth in Heaven, in Righteouſneſs and Mercy. But eſpecially, in caſe of any ſeeming or real Default or Defect; tho' I do not think it a Subject's Duty to judge or censure his Sovereign's

reign's Actions : I am to be the more earnest in my Prayers and Intercessions for him ; but upon no account to fight or rebel against him.

Mr. *Dodd*. My Lord, the next Book we offer, is his Grace the Archbishop of *Canterbury's* Treatise, intituled, *The Creed of Mr. Hobbs Examined*.

Pag. 158. Clerk reads] There is no Tye so strong as that of Religion, which eternally
Lond. bindeth a Conscientious Subject in Allegiance to his Sovereign.

1670. Wo to all the Princes upon Earth, if this Doctrine be true, and becometh po-
lb. p. 160, pular : If the Multitude believe this, the Prince not arm'd with the Scales of the
161. *Leviathan*, that is, with irresistible Power, can never be safe from the Spears, and
barbed Irons, which their Ambition and presumed Interest will provide, and their
Malice will sharpen, and their passionate Violence throw against him : If the
Beast we spoke of come but to know its own Strength, it will never be manag'd.
Wherefore such as own these pernicious Doctrines, destructive to all Societies of
Men, may be said to have Wolves Heads, as the Laws of old were wont to speak
concerning Excommunicated Persons ; and are like those Ravenous Beasts, so far
from deserving our Love and Care, that they ought to be destroy'd at the common
Charge.

Mr. *Phipps*. My Lords, There is a further Account of the Opinion of the same Archbishop of *Canterbury*, in a Printed Paper, Intituled, *An Account of what passed at the Execution of the late Duke of Monmouth, on Wednesday the 15th of July, 1685. on Tower-Hill*.

Clerk reads.] The late Duke of *Monmouth* came from the Tower to the Scaffold, attended by the Bishop of *Ely*, the Bishop of *Bath and Wells*, Doctor *Tenison* and Doctor *Hooper* ; which four the King was graciously pleas'd to send him, as his Assistants to prepare him for Death ; and the late Duke himself intreated all four of them to accompany him to the place of Execution, and to continue with him to the last. The two Bishops going in the Lieutenant's Coach with him to the Bars, made seasonable and devout Applications to him all the way ; and one of them desir'd him not to be surpriz'd, if they to the very last upon the Scaffold renew'd those Exhortations to a Particular Repentance, which they had so often repeated before.

At his first coming upon the Scaffold, he look'd for the Executioner, and seeing him, said, *Is this the Man to do the Business ? Do your Work well*.

Then the late Duke of *Monmouth* began to speak, some one or other of the Assistants, during the whole time, applying themselves to him.

Mon. I shall say but very little ; I come to die ; I die a Protestant of the Church of *England*.

Assist. My Lord, if you be of the Church of *England*, you must acknowledge the Doctrine of Non-Resistance to be True.

Mon. If I acknowledge the Doctrine of the Church of *England* in general, that includes all.

Assist. Sir, it is fit to own that Doctrine particularly, with respect to your Case. Here he was much urg'd about that Doctrine of Non-Resistance, but he repeated in effect his first Answer.

Assist. My Lord, it is fit to be particular ; and considering the publick Evil you have done, you ought to do as much Good now, as possibly you can, by a publick Acknowledgment.

Mon. What I have thought fit to say of publick Affairs, is in a Paper which I have sign'd ; I refer to my Paper.

Assist. My Lord, there is nothing in that Paper about Resistance, and you ought to be particular in your Repentance, and to have it well grounded. God give you true Repentance.

Mon. I die very penitent, and die with great Chearfulness, for I know I shall go to God.

Assist. My Lord, you must go to God in his own way : Sir, be sure you be truly penitent, and ask Forgiveness of God, for the many you have wronged.

Mon. I am sorry for every one I have wronged, I forgive every body, I have had many Enemies, I forgive them all.

Assist.

Assist. Sir, your Acknowledgment ought to be publick and particular.

Mon. I am to die; pray, my Lord — I refer to my Paper.

Assist. They are but a few Words that we desire: We only desire an Answer to this Point.

Mon. I can bless God that he hath given me so much Grace, that for these two Years last past, I have led a Life unlike to my former Course, and in which I have been happy.

Assist. Sir, Was there no Ill in these two Years? In these Years these great Evils have happen'd, and the giving publick Satisfaction is a necessary part of Repentance; be pleas'd to own a Detestation of your Rebellion.

Mon. I beg your Lordships that you will stick to my Paper.

Assist. My Lord, as I said before, there is nothing in your Paper about the Doctrine of Non-Resistance.

Mon. I repent of all things that a true Christian ought to repent of. I am to die; pray, my Lord —

Assist. Then, my Lord, we can only recommend you to the Mercy of God, but we cannot pray with that Chearfulness and Encouragement as we should, if you had made a particular Acknowledgment.

This is a true Account, Witness our Hands,

Francis Ely.

Thomas Tenison.

William Gostlin,

Thomas Bath and Wells.

George Hooper.

Peter Vandeput,

} Sheriffs.

Mr. Phipps. My Lords, We pray we may read the Sermon of his Grace the present Archbishop of York, preached before your Lordships on the 30th of January, 1700.

Clerk Reads.] And in case it ever happen that we cannot with a safe Conscience obey, there we are patiently to suffer the Penalties of our Disobedience; but by no means either to affront their Persons, or to disturb their Government, by raising or partaking in any Tumult, or Insurrection, or Rebellion. Pag. 13.

That there is such a Submission due from all Subjects to the Supreme Authority of the Place where they live, as shall tie up their Hands from opposing or resisting it by Force, is evident from the very Nature and Ends of Political Society. And I dare say, there is not that Country upon Earth, let the Form of their Government be what it will (absolute Monarchy, legal Monarchy, Aristocracy or Commonwealth) where this is not a part of the Constitution. Subjects must obey Passively, where they cannot obey Actively: Otherwise the Government would be precarious, and the publick Peace at the Mercy of every Malecontent, and a Door would be set open to all the Insurrections, rebellions and Treasons in the World. Nor is this only a State Doctrine, but the Doctrine also of Jesus Christ, and that a necessary, indispensable one too; as sufficiently appears from those famous Words of St. Paul, *Rom. 13. 1, 2.* which are so plain, that they need no Comment: *Let every Soul (saith he) be subject to the higher Powers, for there is no Power but of God, and the Powers that be are ordained of God; whosoever therefore resisteth the Power, resisteth the Ordinance of God; and they that resist shall receive to themselves Damnation.* So that so long as this Text stands in our Bibles, the Doctrine of Non-Resistance, or Passive-Obedience, must be of Obligation to all Christians. Ibid. p. 19, 20.

Mr. Dodd. Pray see whether there is any thing purporting the Thanks of the House to be given to the Archbishop for his Sermon.

Clerk Reads.] *Die Jovis, 1 Februarii, 1699.* It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Thanks of this House be and are hereby given to his Grace, the Lord Archbishop of York; for his Sermon preached before this House the Thirtieth of January last, and he is hereby desired to Print and Publish the same.

Matth. Johnson, Cl^r Parliamentor^s.

Mr. Walpole. My Lords, I presume the Council have offered all they think proper to offer out of this Sermon: But that your Lordships may have a Specimen of the Candor of the Doctor's Quotations, I pray the Clerk

may read the two next Paragraphs of that Sermon, and that he may read them as distinctly as he did the others.

Fol. 20.

Clerk Reads.] But then, after I have said this, care must be taken, that this general Doctrine be not misapplied in particular Countries. Tho Non-Resistance, or Passive-Obedience, be a Duty to all Subjects, and under all Governments, yet it is not expressed the same way in all Places; but both the Objects and the Instances of it do vary in different Nations, according to the different Models of their Government.

To speak this as plainly as I can: As the Laws of the Land are the Measures of our active Obedience, so are also the same Laws the Measures of our Submission; and as we are not bound to obey, but where the Laws and Constitution require our Obedience, so neither are we bound to submit, but as the Laws and Constitution do require our Submission.

Mr. Walpole. Before we part with that Sermon, I desire one Paragraph more may be read; it begins with these Words, *If indeed a Preacher.*

Fol. 6.

Clerk Reads.] If indeed a Preacher should in the Pulpit presume to give his Judgment about the Management of publick Affairs, or to lay down Doctrines as from Christ about the Forms and Models of Kingdoms or Commonwealths, or to adjust the Limits of the Prerogative of the Prince, or of the Liberties of the Subject in our present Government? I say, if a Divine should meddle with such matters as these in his Sermons, I do not know how he can be excused from the just Censure of meddling with things that nothing concern him: This is indeed a *practising in State-matters*, and is usurping an Office that belongs to another *Profession*, and to Men of another *Character*; and I should account it every whit as undecent in a Clergyman to take upon him to deal in these Points, as it would be for him to determine *Titles of Land* in the *Pulpit*, which are in dispute in *Westminster-Hall*.

Mr. Phipps. My Lords, if your Lordships please, as to the two Paragraphs read next after what we read, we entirely concur in what is laid down in them; and if we shew that this Doctrine is agreeable to the Laws of the Land, then it is agreeable to what is there laid down: As to the other part, if he has taken upon him to treat of the Model of Government, he will be under the Censure of the Archbishop; but we desire to read a little before the beginning of that Paragraph.

Clerk Reads.] Titus 3. 2. *Put them in mind to be subject to Principalities and Powers, to obey Magistrates.*

You all know what kind of Argument this Day calls for: For by the design of keeping it, the business that the *Preacher* hath to do, is to press *Obedience* and *Subjection* to the Government we live under; and to preach against *Faction* and *Rebellion*; and accordingly it is prescribed, in the *Rubrick* of this *Day's Service*, that if there be a *Sermon* at all, and not a *Homily*, it shall be upon this Argument.

It is very well that *Authority* hath taken care that at some solemn times we should *preach* upon this Subject in a more solemn manner; because, tho' it be as needful as any, yet there are some among us think it a very improper *Theme* for the *Pulpit*. I must confess I had an Eye to this Suggestion when I pitch'd upon these Words which I have now read to you: Because I think there is something to be observed in them which will effectually confute it.

St. Paul here lays his Charge upon *Titus*, that he should put the People that were under his Care *in mind, to be subject to Principalities and Powers, and to obey Magistrates.*

Two things I would here consider, *First*, the *Person* that is order'd thus to put the People *in mind*: And *Secondly*, the *Thing* that he is to put them in mind of, which is *Subjection* and *Obedience* to *Principalities*, and *Powers*, and *Magistrates*.

I begin with the first thing, the *Person* to whom St. Paul writes this *Epistle*, and to whom he gives it in charge, that he should put the People *in mind to be subject.*

Who

Who was this *Person*? Why, it was *Titus*, an Ecclesiastick Bishop, a Preacher of the Gospel, not a *Layman*, not a *Magistrate*, but a pure *Churchman*. What can be more plainly gather'd from hence than this, That it is not Foreign to a Clergyman's Office to preach *Obedience* and *Subjection* to the Government; but on the contrary a part of his Function, a necessary Duty incumbent upon him to do it? If any Man affirm otherwise, he must either say that *St. Paul* did not rightly instruct *Titus* in his Office, but enjoyn'd him to do that which he had nothing to do with; or he must shew that the Case of *Titus* was different from that of the Ministers of the Gospel at this day: neither of which things can, I believe, be easily made out.

And yet into such Times are we fallen, that it is taken ill by many, that Ministers should in their Pulpit-Discourses meddle with these Matters: I must confess, I think that of all Men it most concerns a Minister of Religion not to be a *Busy-Body*, or a Medler in other Mens matters; for, in truth, he hath Work enough to do of his own, and such kind of Work too, as, let him behave himself as inoffensively as he can, will create him Difficulties and Enemies enow. And therefore it would be very imprudent in him to usurp other Mens Provinces, and to burn his Fingers where he needs not, especially considering that the Success of his Labours and Endeavours among the People doth in a great measure depend upon the good liking they have of him.

But what is it that gives Offence? Or what is it that renders this Argument we are speaking of so improper a Subject for a Clergyman to treat of? Why, several things are pretended, and I shall name some of them.

First, It is said, That the Work of a Clergyman is to instruct Men in Christ's Religion, to preach against *Vice* and *Sin*, and to preach up *Holiness* and *Good Life*, and mutual *Love* and *Charity*; but what hath he to do with *State Affairs*, as Matters of Government are?

I answer, He hath nothing indeed to do with them: But his only Work is to make Men good Christians, by endeavouring to possess them with a hearty Belief of our Saviour's Doctrines and Promises, and persuading them to a Conformity in their Lives to his Precepts. This is our proper Work, and this is that we ought to attend to all the days of our Life; and with *Government* and *State-Affairs* we ought not to meddle, in our Sermons especially.

But then, after all this, it doth not follow but that we are all bound, as we have Occasion, to preach up *Loyalty*, and *Obedience* to our *Governors*; for this is no *State-Affair*, but an *Affair* of the Gospel. We cannot instruct Men in Christ's Religion, without instructing them in this.

If, indeed, it was an indifferent thing to a Man's Christianity, or to his Salvation, whether he was a good or a bad Subject, then indeed it would be as indifferent to a Preacher, whether he insisted on these things to the People; but it is not so.

One great Branch of Christian Holiness, as it is declar'd in the *New Testament*, is, That every Man demean himself quietly, and peaceably, and obediently to the Government he lives under; and that not only for *Wrath* or Fear of Punishment, but also for *Conscience sake*: and this is made as necessary a Condition of going to Heaven, as any other particular Virtue is. And therefore, if we will instruct Men in Christ's Religion, and in the indispensable Points of Holiness requir'd thereby, we must instruct them in this also.

One great *Vice* and *damnable Sin* that the Religion of our Lord has caution'd against, is the Sin of *Faction* and *Rebellion*; and therefore if it be our Duty to declare against the Sins and Vices that are contrary to Christianity, it is our Duty to declare and caution against this also.

Lastly, We do readily grant that a great Part of our Office consists in most affectionately recommending and pressing the Necessity of mutual *Love* and *Charity*; but if this be necessary, is it not more so to recommend and press *Obedience* to *Authority*, without which mutual *Love* and *Charity* cannot possibly subsist? that being the common Ligament of them; and take away that, we should be no better than *Bears* and *Tygers* one to another.

But it is said in the *Second* place, That Preachers ought not to meddle with these Points, because they are not competent Judges of them: They do not know the Measures and Limits of *Loyalty* and *Disloyalty*, of being a good and a bad Subject; these depending altogether upon the Constitution of the Government we live under, and the determining of them belongs to the Civil Courts, and not to their Profession.

To this I answer, That in all those Instances wherein this Arguments falls under the Cognizance and Determination of *Parliaments*, or *Judges*, or *Lawyers*, we do

not pretend to meddle with it; and if any Man do, let him answer for himself: All that we pretend to, is to press the plain, general, indispensable Duties of Obedience to Laws, and of Peaceableness and Subjection to the Higher Powers, which Christ and his Apostles have every where taught in the Bible.

Mr. Phipps. My Lords, We don't desire to read any more; we think we have justify'd our Quotations, and shew'd that it is the Opinion of that Great and Learned Archbishop, that the Doctrine of Passive Obedience and Non-Resistance is the Doctrine of our Church; and that it is a Duty incumbent upon the Clergy to preach it to the People.

Mr. Dodd. The next we offer to your Lordships, is the Opinion of the present Bishop of Worcester, in a Sermon preach'd before the late Queen the 29th of May 1692. when he was Bishop of St. Asaph.

P. 18, 19. *Clerk reads.* They had brought Things to that pass, that our Laws signify'd nothing but what they pleas'd; our Religion was held at the courtesy of them that were the bloody Enemies of it. Our Obedience was made use of as a perfect Snare to us; we must not resist, that our Religion would not allow.—It was God that infatuated our Oppressors, to join the Injuries of a People that could not lawfully Resist, with those of a Prince that could not lawfully pass them by without Resistance.

Mr. Phipps. We shall now offer to your Lordships a Sermon preach'd by the Bishop of Rochester before the Artillery-Company, upon the 29th of May, 1692.

Pag. 5. *Clerk reads.* Put up thy Sword, says he; O Peter, submit with Patience, Oppose not Authority. Do not break the Laws of thy Country, tho for Kindness and Love of me. Put up thy Sword. He that uses the Sword unlawfully, tho on a Pretence never so pious, shall perish by the Sword: shall either be destroy'd by it here, or punish'd hereafter by God himself for having so us'd it.

Wherefore we are not to conclude, that our Blessed Lord by this Check given to St. Peter did absolutely prohibit all manner of using the Sword among Christians, but only that he taught us the great Duty of Christian Submission. For if St. Peter was, then certainly all other Christian Subjects are forbidden to unsheath the Sword against their Lawful Sovereign, or his Ministers, as they are commission'd by him, tho they do it on a pretext so Spiritual, as the Cause of Christ himself.

2b. 25, 26. Tho they could not be induc'd by Fear or Favour to rank their Princes equal with their God, yet they preserv'd them in the next place: Tho they would never worship them as Gods upon Earth, yet they religiously obey'd them as God's Deputies and Representatives. They judg'd those who rebell'd against them worthy of Death, as if they had actually rebell'd against God himself. What else means St. Paul, when in so many words he declares, That whosoever resisteth the Power, resisteth the Ordinance of God, and they that resist shall receive to themselves Damnation? Rom. 13. 2. Out of all doubt he there speaks of the Temporal Power, and of Eternal Damnation to ensue upon resisting it; than which, what more grievous Punishment could have been inflict'd, had they immediately resisted God himself?

And recollect, I entreat you, the Time when this was so positively pronounc'd by St. Paul. It must have been written under the Reign of Claudius or Nero. So that it is evident, all that resisted them were, without Repentance, in a damnable State. Can there be then any Colour so specious, any Cause so just, in which, instead of Damnation, a Christian Subject may justly expect to receive to himself Salvation, on the account of Resisting?

Mr. Phipps. We shall next offer to your Lordships Consideration the Authority of the Lord Bishop of Sarum: where he shows, that this is not only the Doctrine of the Church of England, but of the Church of Scotland, and of all Christian Churches.

Clerk

Clerk reads.] *A Vindication of the Authority, Constitution, and Laws of the Church Printed at Glasgow and State of Scotland, &c. By Gilbert Burnet.* 1673. P. 41, 42.

But these Words of St. Paul, being as at first address'd to the Romans, so also design'd by the Holy Ghost to be a part of the Rule of all Christians, do prove, that whoever hath the Supreme Power, is to be submitted to, and never resisted.

Isot. If you were not in too great a haste, you would not be so forward, consider therefore the Reason St. Paul gives for Submission to Superior Rulers, is, *because they are the Minister of God for good.* If then they swerve from this, they forsake the end for which they are raised up, and so fall from their Power and Right to our Obedience.

Basil. Truly what you have said makes me not repent of any haste I seemed to make, for what you have alledged proves indeed that the Sovereign is a Minister of God for good, so that he corrupts his Power grossly when he pursues not that Design: But in that he is only accountable to God, whose Minister he is. And this must hold good, except you give us good ground to believe, that God hath given Authority to the Subjects to call him to account for his Trust; but if that be not made appear, then he must be left to God, who did impower him, and therefore can only coerce him. As one having his Power from a King, is countable to none for the Administration of it, but to the King, or to these on whom the King shall devolve it: So except it be proved, that God hath warranted Subjects to call their Sovereigns to account, they being his Ministers, must only be answerable to him. And according to these Principles of yours, the Magistrate's Authority shall be so enervated, that he shall no more be able to serve these Designs, for which God hath vested him with Power: Every one being thus taught to shake off his Yoke when they think he acts in prejudice of Religion. And here I shall add one thing, which all *Casuits* hold a safe Rule in matters that are doubtful, that we ought to follow that side of the Doubt which is freest of hazard; here then Damnation is at least the seeming hazard of Resistance; therefore except upon as clear Evidence you prove the danger of absolute Submission to be of the same Nature that it may ballance the other; then absolute Submission, as being the securest, is to be followed.

Mr. Phipps. There is another Sermon, Preach'd by the Bishop of Salisbury, intitled, *Subjection for Conscience sake asserted, in a Sermon preach'd at Guildhall, 1689.*

Clerk reads.] Blessed be God, our Church hates and condemns this Doctrine from what Hand soever it comes, and hath establish'd the Rights and Authority of Principles, on sure and unalterable Foundations, enjoining an entire Obedience to all the lawful Commands of Authority, and an absolute Submission to that Supreme Power God hath put in our Sovereign's Hands. This Doctrine we justly glory in; and if any that had their Baptism, and Education in our Church, have turn'd Renegades from this, they prov'd no less Enemies to the Church her self, than to the Civil Authority. So that their Apostacy leaves no Blame on our Church, which glories in nothing more than in a well-temper'd Reformation, from the later Corruptions which the dark Ages brought into the Pure and Primitive Doctrines which our Saviour and his Apostles taught, and the first Christians retain'd, and practis'd for many Ages.

Mr. Phipps. My Lords, I only observe, That the absolute Submission to the Supreme Power are the Words in the Doctor's Sermon.

Sir Peter King. My Lords, Before your Lordships go on to any other, I pray the 17th Page of the Book which they read, intitled, *The Vindication of the Authority, Constitution and Laws of the Church and State of Scotland,* may be read.

The Case varies very much when the Abuse is such that it tends to a total Subversion, which may be called justly a *Phrensie*, since no Man is capable of it till he be under some Lesion of his Mind; in which case, the Power is to be administered by others,

others, for the Prince and his Peoples Safety : But this will never prove that a Magistrate governing by Law, tho' there be great Errors in his Government, ought to be coerced : otherwise you must open a Door to perpetual Broils, since every one by these Maxims becomes Judge ; and where he is both Judge and Party, is not like to be cast in his Pretensions ; And even few Malefactors die, but they think hard measure is given them. If then forcible Self-defence be to be follow'd, none of these should yield up their Lives without using all Attempts for rescuing them.

Mr. Dee. My Lords, The next we offer is a Sermon preach'd by the Bishop of Ely before the Lord-Mayor and Aldermen at Guildhall, the 26th of January 1684.

Pag. 19. Clerk Reads.] The patient Christian cannot but condemn those, who under the Pretence of defending their Rights or Religion, resist lawful Authority. It being a Blasphemy against the Divine Wisdom, and Power, to suppose God can ever stand in need of our Sins to bring to pass his most glorious Designs. He then in whom this Virtue of Patience dwells, keeps a due Regard to the Commands laid upon him, to submit himself to the Supreme Powers, and he dares not lift up his Hand against the Lord's Anointed, or levy War upon the most plausible Account whatsoever ; nay, to him it cannot but seem a Wonder that the Doctrine of Resistance should have gone down so glibly with any who have read the New Testament, and are baptiz'd into the Christian Faith.

Ib. P. 20, 21. There is an universal absolute Command in Holy Scripture laid upon all Christians, to be subject to the Supreme Powers in all Cases. Now nothing is plainer, than that if we be required to be subject in all Cases, Resistance in any will be sinful. *Let every Soul be subject to the Higher Powers ;* to which Christian Precept there is no Exception to be found for any Person, in any Instance, from one End of the Christian Institution to the other—Subjection is a Duty, than which there is hardly any oftner repeated in the Christian Law, so as we cannot plead Ignorance of it ; it is press'd with such Evidence of Reason, that cuts off all Pretences of evading it ; it is set down in such plain, easie, and full Expressions, as that there can be no Colour to doubt about the right Understanding of it. The Holy Scripture gives Permission no more to the People collected into one Body to rebel, than it does to each of them, by himself singly considered. Every Christian, in all Circumstances, is requir'd to conform to the Laws of the Supreme Authority, if they have no Repugnancy to God's Laws, and to suffer patiently where Obedience would be a Sin.

Mr. Dee. My Lords, The next we beg leave to offer is a Sermon of the Bishop of Bath and Wells, preach'd before the King at Whitehall the fifth of November 1681.

Pag. 11. Clerk Reads.] Is he not the Vicegerent of God ? Wherever therefore his Sovereign the Almighty has not prevented him by any precedent Commands, there he has a Right and Liberty to put forth his, in these Cases to expect an active chearful Obedience, and that we should in no Case, and for no Reason resist.

Ib. Pag. 19 The Church, of which we have the Blessing to be Members, where she can't obey, is ready to endure, expecting her Reward in Heaven. Not ignorant how much she suffers now from the Contradiction of disloyal Men for the Truth of this Doctrine, and how much for its Meekness she stands expos'd to future Persecution.

Mr. Dee. The next we offer to your Lordships is a Sermon preach'd by the Bishop of Lincoln before your Lordships on the 30th of January 1708, which was publish'd by your Lordships Commands.

Clerk Reads.] Die Sabbati, 31 January 1707-8 Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Thanks of this House be, and are hereby given to the Lord Bishop of Lincoln, for his Sermon Preached before this House yesterday in the Abbey Church in Westminster, and that he be desired to print and publish the same.

Matth Johnson, Cler' Parliamentor'.
And

And if neither the *Malice* of the *Jews*, nor the *Innocence* of our *Lord*; if neither *Pag. 15,*
the *Truth* of our *Religion* persecuted in its *Founder*, nor the apparent Marks of *Ma- 16, 17,*
lice and *Envy*, of *Violence* and *Oppression*, which appeared in the whole *Course* of *18,*
their *Prosecution* of Him, were sufficient to warrant *St. Peter* to draw the *Sword* in
his *Defence*, against that *Legal Authority* by which they Acted; We must conclude,
that neither will any of these Pretences suffice to justify any other Christians, in
the like Circumstances, now: But, if it shall please God at any time to permit
the *Lawful Powers* to be against Us, and make them that hate us to rule over us;
We must follow the Example of our Blessed *Master*; and submit patiently to their
Authority; and not with this warm *Apostle*, take the *Sword* against those, to whom
God has committed the *Power* of the *Sword*.

Let this then suffice to shew, what the true Christian Doctrine, of *Submission* to
the *Civil Magistrate*, is. I shall not here enquire whether some may not possibly
have misapplied these *Principles*; or have stretched them farther than they ought to
have done; and, by that means, have led both themselves, and others, into
great Mistakes, and no less Inconveniencies. What that *Authority* in every *State*,
or *Country* is, to which such a *Subjection*, as I have now been speaking of, is due;
and against which no *Resistance*, no not to defend the *Best Cause*, or the most *In-*
nocent Person in the World, may be used by any of the *Community*; is a Point which
the *Municipal Laws* and *Constitution*, of every *State*, and *Country*, must determine.
But that wherever that *Supreme Power*, and *Authority*, is lodged, or in whom-
soever it resides, to which God has commanded us to be *Subject*, not only for *Wrath*,
but also for *Conscience sake*: Concerning which *St. Paul* has laid down this Rule,
Let every Soul be Subject to the Higher Powers: And *St. Peter* himself declar'd, That
We must submit to it for the Lord's sake; we are bound to pay either an *Active* or
Passive Obedience to it; must either Do what it Requires, or Suffer what it In-
flicts; This is without Controversie the standing *Doctrine* of *Christianity*, and has
been confirmed by the *Practice* of the best Christians in all Ages of the *Church*.

Which being so, let us go on finally, upon these Principles, to consider

III. What we are to judge of Those who, notwithstanding so plain an Admoni-
tion, not only took the *Sword* (tho' that had been too much;) But cut off with it
that *Royal Person*, who alone had the *Rightful Power* of it.

And here I cannot follow either a plainer, or surer Guide, than our *Laws* them-
selves; which speak not only with *Authority*, but *Approbation* too; and tell us, in
effect, what the *Sense* of the whole *Nation* is, or at least ought to be, both of
Them, and their *Proceedings*. The *Fact* it self, they call, a *Horrid, Execrable, De-*
testable Murder; An *impious Fact*, an *unparallel'd Treason*: The *Court* which decreed
it, a *Traiterous Assembly*; a *prodigious*, and *unheard of Tribunal*. The *Persons* who
thus unwarrantably drew the *Sword* against their own *Sovereign*, they brand as a
parcel of *Wretched Men*, *Desperately Wicked*, *Hardened in their Impiety*. And, last-
ly, as to the *Principles* upon which they proceeded, the same *Laws* declare, "That
"by the *Undoubted and Fundamental Laws* of this *Kingdom*, neither the *Peers* of the
"Realm, nor the *Commons*, nor both together; in *Parliament*, or out of *Parliament*;
"Collectively, or *Representatively*; nor any Other *Persons whatsoever*, ever had,
"have, hath, or ought to have, any *Coercive Power* over the *Persons* of the *Kings*
"of this *Realm*."

Clerk reads on by Direction of the Managers.

Such is the *Censure* which our *Laws* have passed upon the *Murder* of our *Royal*
Sovereign, and the *Persons* who committed it: And the same is the *Sense* which
both the *Word* of *God*, and the *Laws* of all other *Nations*, teach us to have of
both.

For to allow that some things had been done under the *Authority* of that Un-
fortunate Prince less regularly than were to have been wished; That the *Preroga-*
tive had been strain'd to an exorbitant Height, and the *Subject* too much provok'd
to complain, if not of the *King* himself, yet of those who were about him, and
should have advis'd and acted more moderately than they did. To grant that when
the *Parliament* met, with which our *Troubles* began; it was excusable, or even fit-
ting for it to have redress'd those *Grievances*, and reduc'd the *Prerogative* within
its just *Bounds*; and that those therefore who entred upon the proper *Methods* of
doing this in a *Parliamentary* way, without any ill *Designs*, either against the *Person*
or *Government* of the *King*, were not to be blamed: Yet certainly when this was
done, and thereupon such *Acts* were pass'd as not only abundantly repair'd what-
ever

ever the Subject had suffered before, but sufficiently secur'd him against any more Invasions either of his Liberty or Property for the time to come; for Men to proceed farther still, and without any lawful Authority, or evident Necessity, enter into a War against their Sovereign, who had so far condescended to all their just Desires, must needs have been as illegal as it was unreasonable, and bespeak those who did it to have taken the Sword in that sense which our Saviour here forbade, and all good Men have ever condemned.

Had that excellent Prince indeed never called his last Parliament at all, nor given any Opportunity to his People to redress their Grievances by the proper Methods of it: Had he not only continued to insist upon those Pretensions which some had set up under the shelter of his Authority, but so far improved them as utterly to set aside the Laws of the Realm, and to act Arbitrarily, not only without Law but against it; And when nothing else would do, had he chosen rather to Desert the Government, than to Rule according to his own Oath, and the Fundamental Laws and Limitations of it; this might have warranted an Oppressed People to take the Sword for the necessary Defence of their Laws and Constitution, and their Religion and Liberties founded thereupon: But to take up Arms against a King, whose Excesses had been Moderate, and whose Necessities pressed him, contrary to his own Inclinations to run into the most of them; but especially, who had already, without Force, not only freely redressed the Grievances of his People, but abundantly repair'd them, and secur'd them against the like Attempts for the future; this must needs have been an unwarrantable Enterprize; a War as unjustifiable in its Rise, as it proved fatal in its Consequences.

Mr. Dodd. The next we shall offer to your Lordships, is the Bishop of Exeter's Sermon preach'd before Her Majesty, on Her Majesty's Accession to the Throne.

Pag. 13.
14.

Clerk reads.] Nay, tho' the Laws of our Earthly Governors should in some Instances be contrary to the Divine Laws (upon which Supposition the Magistrate does certainly exceed the Bounds of his Commission) yet this does not void their Authority, they are the Ministers of God for all this; or else there were none that were so, they were none that could be called so when the Apostle wrote this Epistle; and there is a Duty lying on Subjects even in this Case, viz. not to oppose, nor resist the Power, but quietly and patiently to suffer the Penalty of those Laws, which they can't, without sinning against God, yield an active Obedience to.

Mr. Dodd. The next we shall offer to your Lordships, is the Bishop of St. Asaph's Sermon, preach'd before the Lord-Mayor on the 30th of *January*, 1699.

Clerk Reads]

CHILD MAYOR.

Jovis nono die Februarii, 1698. Annoq; Reg. Regis Willi. Tertii Angliae, &c. decimo.

This Court doth desire Mr. Fleetwood to Print his Sermon preach'd at the Cathedral Church of St. Paul, the Thirtieth of *January* last, before the Lord-Mayor, Aldermen, and Citizens of this City.

Goodfellow.

Pag. 12.

It is plain, that a Government can't possibly subsist for any time, where any kind of Violence is allow'd against the Magistrate. We see what wicked Work is made in some unhappy States, where private Executions of Revenge betwixt Particulars, are indulged, or frequently connived at. But Government is at an end, where Rulers are exposed to popular Assaults.

Mr. Phipps. My Lords, we shall now produce a Sermon preach'd by the Bishop of Carlisle before your Lordships upon the 30th of *January*, 1702.

Clerk reads.] *Die Luna, 1 Februarii, 1702.* It is order'd by the Lords Spiritual and Temporal, in Parliament Assembled, That the Thanks of this House shall be (and are hereby) given to the Ld. Bishop of *Carlisle*, for his Sermon preach'd before this House on the 30th of *January* last, in the Abbey Church at *Westminster*: And he is hereby desired to Print and Publish the same.

Matth. Johnson, Cler^o Parlⁱ

Pag. 31.

Our Foundations, 'tis to be hoped, are not shaken by the weight of those many great and extraordinary Revolutions that have pass'd upon us. The All-wise Providence

vidence of God has frequently of late (and as some of us always thought, very graciously) exchanged our Governors; but if we ungratefully alter our Notions of the Divine Right of Government, and throw off our Ancient and Primitive Rules of Obedience, we shall make an unworthy Return for the Mercies we have received.

Mr. Phipps. We beg leave to offer to your Lordships three Sermons preach'd before the House of Commons; one preach'd before them by *Dr. Eyre*, upon the 30th of *January 1707*.

Clerk Reads] *Sabbat. 31. Die Jan. 1707. Ordered*, That the Thanks of this House be given to *Dr. Eyre*, for the Excellent Sermon by him preach'd before this House, at *St. Margaret's Westminster*, Yesterday, being the Day appointed for a Solemn Fast and Humiliation, for the Murder of *King Charles the First*. And that he be desir'd to Print the same; and that *Mr. Bridges*, *Mr. Chaundler*, the Lord *William Powlett*, and *Mr. Eyre*, do acquaint him therewith. *Paul Joddrell, Cl. Dom. Com.*

Let no Seditious and Antimonarchical Principles be so much as once named among us, as becometh good Subjects, and good Christians; let no sly Insinuations of Male-Administration be suggested, no new Doctrines advanced, nor any old ones revived, whereby to lessen the Security of the Crown, under the specious Pretence of maintaining the Rights and Liberties of the People.

Mr. Dee. The next is *Dr. Kennet's* Sermon preach'd before the Commons on the 30th of *January, 1705*.

Clerk Reads] *Jovis 31 Die Januarii, 1705. Ordered*, That the Thanks of this House be given to *Dr. Kennet*, Arch-Deacon of *Huntington*, for the Sermon by him preached before this House Yesterday, at *St. Margaret's Westminster*; and that he be desired to Print the same. And that *Sir Thomas Littleton*, *Mr. Worsley*, and *Mr. King*, do acquaint him therewith. *Paul Joddrell, Cl. Dom. Com.*

This is the true Foundation of that common Axiom, *The King can do no Wrong*, because there is no Right, nor Remedy against his Royal Person.

It was declarative of our Original Constitution, that our Legislature, upon occasion of this Day, would have it express'd, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament; nor the People Collectively, or Representatively, nor any other Persons whatsoever, ever had, have, or ought to have, any coercive Power over the Persons of the Kings of this Realm.

Mr. Dee. My Lords, the next is *Dr. Delaune's* Sermon preach'd before the House of Commons upon the 30th of *January, 1702*.

Clerk Reads] *Luna 1 Die Feb. 1702. Ordered*, That the Thanks of this House be given to *Dr. Delaune*, Vice-Chancellor of the University of *Oxford*, for the Sermon by him preached before this House on Saturday last, at *St. Margaret's Westminster*: And that he be desir'd to Print the same. And that *Mr. Bridges*, *Mr. Bromley*, and *Mr. Rowney* do acquaint him therewith. *Paul Joddrell, Cl. Dom. Com.*

The Civil Laws of a Country are in the Nature of Articles of Agreement between the Rulers and their Subjects; Duty and Obedience is secur'd on one Hand, and on the other Protection in Civil Rights; if the Subject breaks his part of the Covenant (as I may call it) his Punishment is at Hand; and if the Supreme Power breaks his, his Punishment is no less certain, tho' more remote; for he is guilty before God, who is his Ruler, tho' it is impossible he should be accountable for it in his own Dominions, for that would infer a Power Superior to the Supreme, which is a flat Contradiction.

Mr. Dodd. Your Lordships observe by all these Sermons, how generally this Point is laid down, without making any Exception; and yet I don't doubt but that there is an Exception included in every one of these; yet it is always laid down in general Terms; And we desire that the same Exception may be allowed to the Doctor as is to all these. And if he has erred, he can only be said, *Errare cum Patribus*.

Mr

Mr. Phipps. My Lords, We have thus far made good our Defence, That this is the Doctrine of the Church of *England*; that the Fathers of the Church have always avow'd it; that it has been preach'd in the same Terms in which the Doctor has preach'd it, ever since her Majesty's Accession to the Throne, and no Objection has been made of it till now; and that it has been approv'd by both Houses of Parliament, and by Her Majesty. We will now proceed to shew, that it is confirm'd by several Acts of Parliament; the first is in the 12 Car. II. C. 30.

Clerk reads.] And be it hereby declared, that by the Undoubted and Fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament, or out of Parliament, nor the People Collectively or Representatively, nor any other Persons whatsoever, ever had, have, hath, or ought to have, any coercive Power over the Persons of the Kings of this Realm.

Mr. Dodd. The next Act of Parliament we shall read to your Lordships, is the Corporation Act, 13 Car. II. Stat. 2. Sect. 5.

Clerk reads.] I A. B. do declare and believe, That it is not Lawful, upon any Pretence whatsoever, to take up Arms against the King; and that I do abhor that Traiterous Position of taking Arms by his Authority against his Person, or against those that are commissioned by him. So help me God.

Mr. Dodd. This is a general Oath to be taken by all the Officers of Corporations.

Sir Jo. Jekyll. I can't but observe, my Lords, that it is a little extraordinary the Doctor's Council should open this Act of Parliament, and offer it to be read, and not inform your Lordships that it is repeal'd.

Mr. Dodd. My Lords, We did open that it is repeal'd; but we did insist, That as this Oath had been taken by all Officers of Corporations so many Years, so it was then a true Proposition, and still remains so, altho' it be repealed: That Repeal don't make the Proposition false.

Mr. Phipps. We admit, my Lords, that in the Act for Abrogating the Oaths and appointing others, this Paragraph is omitted. But what we offer it for is, to shew that this Doctrine has been Sworn to by most of the Great Men, and all the Great Officers of *England*, for so many Years together.

Mr. Dodd. My Lords, The next is the Militia Act, 13 & 14 Car. II. Cap. 3. we desire to read the Preamble of that Act, and then the Oath appointed to be taken.

Clerk reads.] Forasmuch as within all his Majesty's Reals and Dominions, the sole and supreme Power, Government, Command and Disposition of the Militia, and of all Forces by Sea and Land, and of all Forts, and Places of Strength, is, and by the Laws of *England*, ever was the undoubted Right of his Majesty and his Royal Predecessors, Kings and Queens of *England*; And that both, or either of the Houses of Parliament, cannot, nor ought to pretend to the same; nor can, nor lawfully may, raise or levy any War, offensive or defensive, against his Majesty, his Heirs or lawful Successors; and yet the contrary thereof hath of late Years been practised, almost to the Ruin and Destruction of this Kingdom: And during the late usurped Governments, many evil and rebellious Principles have been instilled into the Minds of the People of this Kingdom, which may break forth, unless prevented, to the Disturbance of the Peace and Quiet thereof.

Sect. 13. I A. B. do declare and believe, That it is not Lawful, upon any Pretence whatsoever, to take up Arms against the King; And that I do abhor that Traiterous Position, That

Arms

Arms may be taken by his Authority against his Person, or against those that are commission'd by him in Pursuance of such Military Commissions: So help me God.

Mr. Dee. My Lords, The next is the Act of Uniformity, 13 & 14 Car. II. Cap. 4.

Clerk Reads And be it further Enacted by the Authority aforesaid, That every Dean, Canon, and Prebendary of every Cathedral, or Collegiate Church, and all Masters and other Heads, Fellows, Chaplains and Tutors of or in any College, Hall, House of Learning, Hospital, and every publick Professor and Reader in either of the Universities, and in every College elsewhere, and every Parson, Vicar, Curate, Lecturer, and every other Person in Holy Orders, and every Schoolmaster keeping any publick or private School, and every Person instructing or Teaching any Youth in any House or private Family as a Schoolmaster; who upon the first Day of May, which shall be in the Year of our Lord God 1662, or at any time thereafter, shall be Incumbent, or have Possession of any Deanery, Canonry, Prebend, Mastership, Headship, Fellowship, Professor's Place, or Reader's Place, Parsonage, Vicarage, or any other Ecclesiastical Dignity or Promotion, or any Curate's Place, Lecture or School, or shall instruct or Teach any Youth, as Tutor or Schoolmaster, shall before the Feast-Day of St. Bartholemew, which shall be in the Year of our Lord 1662, or at or before his or their respective Admission to be Incumbent, or have Possession aforesaid, Subscribe the Declaration or Acknowledgment following, (*scilicet.*)

I A. B. do declare, That it is not Lawful, upon any Pretence whatsoever, to take Arms against the King; and that I do abhor that traitorous Position of taking Arms by his Authority against his Person, or against those that are commissioned by him; And that I will Conform to the Liturgy of the Church of England, as it is now by Law Established. And I do declare, That I hold there lies no Obligation upon me or any other Person, from the Oath, commonly called the Solemn League and Covenant, to endeavour any Change or Alteration of Government either in Church or State; And that the same was in it self an unlawful Oath, and imposed upon the Subjects of this Realm, against the known Laws and Liberties of this Kingdom.

Mr. Phipps. The Reason of our reading this, is to let your Lordships see what Obligations were on all Clergymen to Subscribe this Declaration; and then we submit it to your Lordships Judgment, whether the Doctor is Criminal for Preaching that which all Parsons were, before that Act was repeal'd, obliged to Subscribe, in order to qualifie themselves for Preaching; and I beg leave just to observe to your Lordships, That by the 16 Car. II. The Act for select Vestries, all Vestrymen were obliged to Subscribe the same Declaration.

Mr. Dodd. My Lords, There are two other Acts, but I think we need not read them, because they were so lately made; the one is for the Association, the other for the Abjuration, which is taken almost every Day in *Westminster-Hall*.

Mr. Phipps. If your Lordships please, we shall offer nothing more on this Article, but only some part of his late Majesty's Declaration, to shew that there was some Reason for what the Doctor said of his late Majesty's disclaiming all manner of Resistance.

Sir Joseph Jekyll. My Lords, I perceive they are going to read some Part of his late Majesty's Declaration: We should have offered some Part of that Declaration as a material Proof against the Doctor; but we would not produce any Papers as Evidence which are not so, though we allow that to the Doctor: But since it is produced as Evidence for the Doctor, I desire it may be read quite through.

Clerk

Clerk reads.] *The Declaration of his Highness, William Henry, by the Grace of God, Prince of Orange, &c. of the Reasons inducing him to appear in Arms in the Kingdom of England, for preserving of the Protestant Religion, and for restoring the Laws and Liberties of England, Scotland and Ireland.*

1. **I**T is both certain and evident to all Men, that the publick Peace and Happiness of any State or Kingdom cannot be preserved, where the Laws, Liberties, and Customs Establish'd by the lawful Authority in it, are openly transgressed and annulled: More especially where the Alteration of *Religion* is endeavour'd, and that a *Religion* which is contrary to Law, is endeavour'd to be introduced: Upon which those who are most immediately concerned in it, are indispensably bound to endeavour to preserve and maintain the established Laws, Liberties and Customs, and above all, the *Religion* and Worship of God that is established among them; and to take such an effectual care, that the Inhabitants of the said State or Kingdom, may neither be deprived of their *Religion*, nor of their Civil Rights: Which is so much the more necessary; because the Greatness and Security both of Kings, Royal Families, and of all such as are in Authority, as well as the Happiness of their Subjects and People, depend in a most especial manner upon the exact Observation and Maintenance of these their Laws, Liberties and Customs.

2. Upon these Grounds it is, that we cannot any longer forbear to declare, that to our great Regret we see that those Counsellors, who have now the chief Credit with the King, have overturned the *Religion*. Laws and Liberties of those Realms, and subjected them in all things relating to their Consciences, Liberties and Properties, to Arbitrary Government, and that not only by secret and indirect Ways, but in an open and undisguised manner.

3. Those Evil Counsellors, for the advancing and colouring this with some plausible Pretexes, did invent and set on foot the King's *Dispensing Power*, by Virtue of which they pretend, that, according to Law, he can *suspend* and *dispense* with the Execution of the Laws that have been Enacted by the Authority of the King and Parliament, for the Security and Happiness of the Subject, and so have rendered those Laws of no Effect; tho' there is nothing more certain, than that as no Laws can be made, but by the joint Concurrence of King and Parliament, so likewise Laws so Enacted, which secure the publick Peace and Safety of the Nation, and the Lives and Liberties of every Subject in it, cannot be repealed or suspended but by the same Authority.

4. For though the King may pardon the Punishment that a Transgressor has incurred, and to which he is condemned, as in the Cases of *Treason* or *Felony*; yet it cannot be with any colour of Reason infer'd from thence, that the King can entirely suspend the Execution of those Laws relating to *Treason* or *Felony*; unless it is pretended, that he is clothed with a Despotick and Arbitrary Power; and that the Lives, Liberties, Honours and Estates of the Subjects depend wholly on his good Will and Pleasure, and are entirely subject to him, which must infallibly follow, on the King's having a Power to *suspend* the Execution of the Laws, and to *dispense* with them.

5. Those evil Counsellors, in order to the giving some Credit to this strange and execrable Maxim, have so conducted the Matter, that they have obtained a Sentence from the Judges, declaring, that this *Dispensing Power* is a Right belonging to the Crown; as if it were in the Power of the Twelve Judges to offer up the Laws, Rights, and Liberties of the whole Nation to the King, to be disposed of by him Arbitrarily, and at his Pleasure, and expressly contrary to Laws enacted for the Security of the Subjects. In order to the obtaining this Judgment, those evil Counsellors did beforehand, examine secretly the Opinion of the Judges, and procured such of them as could not in Conscience concur in so pernicious a Sentence, to be turned out, and others to be substituted in their rooms, till by the Changes which were made in the Courts of Judicature, they at last obtained that Judgment. And they have rais'd some to those Trusts, who make open Profession of the *Popish Religion*, though those are by Law rendered incapable of such Employments.

6. It is also manifest and notorious, That as his Majesty was, upon his coming to the Crown, receiv'd and acknowledg'd by all the Subjects of *England*, *Scotland*, and *Ireland*, as their King, without the least Opposition, though he made then open Profession of the *Popish Religion*; so he did then promise, and solemnly swear at his
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Coronation, That he would maintain his Subjects in the free Enjoyment of their Laws and Liberties, and in particular, that he would maintain the *Church of England as it was established by Law*: It is likewise certain, that there have been at divers and sundry times several Laws enacted for the Preservation of those Rights and Liberties, and of the Protestant Religion; and among other Securities, it has been enacted, That all Persons whatsoever, that are advanced to any Ecclesiastical Dignity, or to bear Office in either University, as likewise all other that should be put in any Employment, Civil or Military, should declare that they were not Papists, but were of the Protestant Religion, and that by their taking of the Oaths of *Allegiance and Supremacy*, and the *Test*; yet these Evil Counsellors have in effect annulled and abolished all those Laws, both with relation to Ecclesiastical and Civil Employments.

7. In order to Ecclesiastical Dignities and Offices, they have not only, without any Colour of Law, but against most express Laws to the contrary, set up a Commission, of a certain number of Persons, to whom they have committed the Cognisance and Direction of all Ecclesiastical Matters; in which the Commission there has been, and still is one of his Majesty's Ministers of State, who makes now publick Profession of the Popish Religion, and who, at the time of his first Professing it, declared, that for a great while before he had believed that to be the only true Religion. By all this, the deplorable State to which the Protestant Religion is reduced, is apparent, since the Affairs of the Church of *England* are now put into the Hands of Persons who have accepted of a Commission that is manifestly illegal, and who have executed it contrary to all Law; and that now one of their chief Members has abjured the *Protestant Religion*, and declared himself a *Papist*; by which he is become incapable of holding any publick Employment. The said Commissioners have hitherto given such Proof of their Submission to the Directions given them, that there is no reason to doubt, but they will still continue to promote all such Designs as will be most agreeable to them. And those Evil Counsellors take care to raise none to any Ecclesiastical Dignities, but Persons that have no Zeal for the *Protestant Religion*, and that now hide their Unconcernedness for it, under the specious Pretence of *Moderation*. The said Commissioners have suspended the Bishop of *London*, only because he refused to obey an Order that was sent him to suspend a worthy Divine, without so much as citing him before him to make his own Defence, or observing the common Forms of Process. They have turned out a President chosen by the Fellows of *Magdalen College*, and afterwards all the Fellows of that College, without so much as citing them before any Court that could take legal Cognisance of that Affair, or obtaining any Sentence against them by a competent Judge. And the only Reason that was given for turning them out, was their refusing to chuse for their President, a Person that was recommended to them by the Instigation of those Evil Counsellors; tho' the Right of a Free-Election belonged undoubtedly to them. But they were turned out of their Free-holds contrary to Law, and to that express Provision in the *Magna Charta*, That no Man shall lose Life or Goods, but by the Law of the Land. And now these Evil Counsellors have put the said College wholly into the Hands of Papists, tho' as is above said, they are incapable of all such Employments, both by the Law of the Land, and the Statutes of the College. These Commissioners have also cited before them all the Chancellors and Arch-deacons of *England*, requiring them to certify to them the Names of all such Clergy men as have read the King's Declaration for *Liberty of Conscience*, and of such as have not read it, without considering that the reading of it was not enjoined the Clergy by the Bishops who are their Ordinaries. The Illegality and Incompetency of the said Court of the Ecclesiastical Commissioners was so notoriously known, and it did so evidently appear that it tended to the Subversion of the Protestant Religion, that the Most Reverend Father in God, *William* Archbishop of *Canterbury*, Primate and Metropolitan of all *England*, seeing that it was raised for no other end but to oppress such Persons as were of eminent Virtue, Learning and Piety, refused to sit, or to concur in it.

8. And tho' there are many express Laws against all Churches or Chapels for the Exercise of the Popish Religion, and also against all Monasteries and Convents, and more particularly against the Order of the *Jesuits*; yet those Evil Counsellors have procured Orders for the building of several Churches and Chapels for the exercise of that Religion. They have also procured diverse Monasteries to be erected, and in Contempt of the Law, they have not only set up several Colleges of *Jesuits* in divers Places for the corrupting of the Youth, but have raised up one of the Order to be a Privy-Counsellor, and a Minister of State. By all which they do evidently shew, that they are restrained by no Rules of Law whatsoever; but that they have subjected the

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Honours and Estates of the Subjects, and the establish'd Religion to a Despotick Power, and to Arbitrary Government. In all which they are served and seconded by those Ecclesiastical Commissioners.

9. They have also followed the same Methods with Relation to Civil Affairs, for they have procured Orders to examine all Lords-Lieutenants, Deputy-Lieutenants, Sheriffs, Justices of Peace, and all others that were in any publick Employment, if they would concur with the King in the Repeal of the *Test and Penal Laws*, and all such whose Consciences did not suffer them to comply with their Designs, were turned out, and others were put in their Places, who they believed would be more compliant to them in their Designs of defeating the Intent and Execution of those Laws which had been made with so much Care and Caution for the Security of the *Protestant Religion*. And in many of these Places they have put professed Papists, tho' the Law has disabled them, and warranted the Subjects not to have any Regard to their Orders.

10. They have also invaded the Privileges, and seized on the Charters of most of those Towns that have a right to be represented by their Burgeses in Parliament, and have procured Surrenders to be made of them, by which the Magistrates in them have deliver'd up all their Rights and Privileges, to be disposed of at the pleasure of those Evil Counsellors, who have thereupon placed new Magistrates in those Towns, such as they can most entirely confide in; and in many of them they have put Popish Magistrates, notwithstanding the Incapacities under which the Law has put them.

11. And whereas no Nation whatsoever can subsist without the Administration of good and impartial Justice, upon which Mens Lives, Liberties, Honours and Estates do depend, those Evil Counsellors have subjected these to an Arbitrary and Despotick Power: In the most important Affairs they have studied to discover, beforehand, the Opinion of the Judges, and have turned out such as they found would not conform themselves to their Intentions, and have put others in their Places, of whom they were more assured, without having any regard to their Abilities. And they have not stuck to raise even professed Papists to the Courts of Judicature, notwithstanding their Incapacity by Law, and that no regard is due to any Sentences flowing from them. They have carried this so far, as to deprive such Judges, who in the common Administration of Justice, shewed that they were governed by their Consciences, and not by the Directions which the others gave them. By which it is apparent, that they design to render themselves the absolute Masters of the Lives, Honours, and Estates of the Subjects, of what Rank or Dignity soever they may be; and that without having any Regard, either to the Equity of the Cause, or to the Consciences of the Judges, whom they will have to submit in all things to their own Will and Pleasure; hoping by such ways to intimidate those who are yet in Employment, as also such others, as they shall think fit to put in the rooms of those whom they have turned out; and to make them see what they must look for, if they should at any time act in the least contrary to their good liking; and that no Failings of that kind are pardoned in any Persons whatsoever. A great deal of Blood has been shed in many places of the Kingdom, by Judges, governed by those Evil Counsellors, against all the Rules and Forms of Law, without so much as suffering the Persons that were accused to Plead in their own Defence.

12. They have also, by putting the Administration of Justice in the Hands of Papists, brought all the matters of Civil Justice into great Uncertainties; with how much Exactness and Justice soever that these Sentences may have been given. For since the Laws of the Land do not only exclude Papists from all Places of Judicature, but have put them under an Incapacity, none are bound to acknowledge or to obey their Judgments, and all Sentences given by them are null and void of themselves: So that all Persons who have been cast in Trials before such Popish Judges, may justly look on their pretended Sentences, as having no more Force than the Sentences of any private and unauthorised Person whatsoever. So deplorable is the Case of the Subjects, who are obliged to answer to such Judges, that must in all things stick to the Rules which are set them by those Evil Counsellors, who as they raised them up to those Employments, so can turn them out of them at Pleasure; and who can never be esteemed Lawful Judges; so that all their Sentences are in the Construction of the Law of no Force and Efficacy. They have likewise disposed of all Military Employments, in the same manner: For though the Laws have not only excluded Papists from all such Employments, but have in particular provided, that they should be disarmed; yet they in contempt of these Laws, have not only armed the Papists, but have
likewise

likewise raised them up to the greatest Military Trust, both by Sea and Land, and that Strangers as well as Natives, and *Irish* as well as *English*; that so by those means, having rendred themselves Masters, both of the Affairs of the Church, of the Government, of the Nation, and of the Courts of Justice, and subjected them all to a Despotick and Arbitrary Power, they might be in a Capacity to maintain and execute their wicked Designs, by the Assistance of the Army, and thereby to enslave the Nation.

13. The dismal Effects of this Subversion of the Established Religion, Laws and Liberties in *England*, appear more evidently to us, by what we see done in *Ireland*; where the whole Government is put in the Hands of Papists, and where all the Protestant Inhabitants are under the daily Fears of what may be justly apprehended from the Arbitrary Power which is set up there: Which has made great numbers of them leave that Kingdom, and abandon their Estates in it, remembering well that Cruel and Bloody Massacre which fell out in that Island in the Year 1641.

14. Those Evil Counsellors have also prevailed with the King to declare in *Scotland*, That he is cloathed with *Absolute Power*, and that all the Subjects are bound to *Obeey him without Reserve*: Upon which he has assumed an Arbitrary Power both over the Religion and Laws of that Kingdom; from all which it is apparent, what is to be looked for in *England*, as soon as matters are duly prepared for it.

15. Those great and insufferable Oppressions, and the open Contempt of all Law, together with the Apprehensions of the sad Consequences that must certainly follow upon it, have put the Subjects under great and just Fears; and have made them look after such lawful Remedies as are allowed of in all Nations: Yet all has been without effect. And those Evil Counsellors have endeavoured to make all Men apprehend the loss of their Lives, Liberties, Honours, and Estates, if they should go about to preserve themselves from this Oppression, by Petition, Representations, or other Means authorised by Law. Thus did they proceed with the Archbishop of *Canterbury*, and the other Bishops, who having offered a most humble Petition to the King, in Terms full of Respect, and not exceeding the Number limited by Law, in which they set forth in short, the Reasons for which they could not obey that Order, which, by the Instigation of those Evil Counsellors, was sent them, requiring them to appoint their Clergy to read in their Churches the Declaration for *Liberty of Conscience*; were sent to Prison, and afterwards brought to a Tryal, as if they had been guilty of some enormous Crime. They were not only obliged to defend themselves in that Pursuit, but to appear before professed Papists, who had not taken the Test, and by Consequence were Men, whose Interest led them to condemn them; and the Judges that gave their Opinion in their Favours, were thereupon turned out.

16. And yet it cannot be pretended, that any Kings, how great soever their Power has been, and how Arbitrary and Despotick soever they have been in the exercise of it, have ever reckoned it a Crime for their Subjects to come in all Submission and Respect, and in a due Number, not exceeding the Limits of the Law, and represent to them the Reasons that made it impossible for them to obey their Orders. Those Evil Counsellors have also treated a Peer of the Realm as a Criminal, only because he said, That the Subjects were not bound to obey the Orders of a Popish Justice of Peace; though it is evident, that they being by Law rendred incapable of all such Trusts, no Regard is due to their Orders. This being the Security which the People have by the Law for their Lives, Liberties, Honours, and Estates, that they are not to be subjected to the Arbitrary Proceedings of Papists, that are contrary to Law, put into any Employments Civil or Military.

17. Both We our selves, and our Dearest and most Entirely Beloved Consort the Princess, have endeavoured to signify, in Terms full of Respect to the King, the just and deep Regret which all these Proceedings have given us; and in Compliance with his Majesty's Desires signified to us, We declared both by Word of Mouth, to his Envoy, and in Writing, what our Thoughts were, touching the Repealing of the *Test and Penal Laws*; which We did in such a manner, that we hoped we had proposed an Expedient, by which the Peace of those Kingdoms, and a happy Agreement among the Subjects of all Persuasions, might have been settled: But those Evil Counsellors have put such ill Constructions on these our good Intentions, that they have endeavoured to alienate the King more and more from us, as if We had designed to disturb the Quiet and Happiness of the Kingdom.

18. The last and great Remedy for all those Evils, is the *Calling of a Parliament*, for securing the Nation against the evil Practices of those wicked Counsellors : But this could not be yet compassed, nor can it be easily brought about. For those Men apprehending, that a Lawful Parliament being once assembled, they would be brought to an Account for all their open Violations of Law, and for their Plots and Conspiracies against the *Protestant Religion*, and the Lives and Liberties of their Subjects, they have endeavoured, under the specious Pretence of *Liberty of Conscience*, first to sow Divisions among Protestants, between those of the Church of *England* and the *Dissenters* : The Design being laid to engage Protestants, that are all equally concerned to preserve themselves from Popish Oppression, into mutual Quarrellings, that so by these some Advantages might be given to them to bring about their Designs ; and that both in the Election of the Members of Parliament, and afterwards in the Parliament it self. For they see well, that if all Protestants could enter into a mutual good Understanding one with another, and concur together in the preserving of their Religion, it would not be possible for them to compass their wicked Ends. They have also required all Persons in the several Counties of *England*, that either were in any Employment, or were, in any considerable Esteem, to declare before-hand, that they would concur in the Repeal of the *Test and Penal Laws* ; and that they would give their Voices in the Elections to Parliament, only for such as would concur in it : Such as would not thus pre-engage themselves, were turned out of all Employments ; and others who entered into those Engagements, were put in their Places, many of them being Papists : And contrary to the Charters and Privileges of those Boroughs that have a Right to send Burgesses to Parliament, they have ordered such Regulations to be made, as they thought fit and necessary, for assuring themselves of all the Members that are to be chosen by those Corporations : And by this means they hope to avoid that Punishment which they have deserved ; though it is apparent, that all Acts made by Popish Magistrates are null and void of themselves. So that no Parliament can be Lawful, for which the Elections and Returns are made by Popish Sheriffs and Mayors of Towns ; and therefore as long as the Authority and Magistracy is in such Hands, it is not possible to have any Lawful Parliament. And though, according to the Constitution of the *English Government*, and immemorial Custom, all Elections of Parliament-men ought to be made with an entire Liberty, without any sort of Force, or the requiring the Electors to chuse such Persons as shall be named to them ; and the Persons thus freely Elected, ought to give their Opinions freely, upon all Matters that are brought before them, having the Good of the Nation ever before their Eyes, and following in all things the Dictates of their Conscience ; yet now the People of *England* cannot expect a Remedy from a *Free-Parliament*, legally Called and Chosen. But they may, perhaps, see one called, in which all Elections will be carried by Fraud or Force, and which will be composed of such Persons, of whom those Evil Counsellors hold themselves well assured, in which all things will be carried on according to their Direction and Interest, without any Regard to the Good or Happiness of the Nation. Which may appear evidently from this, that the same Persons tried the Members of the last Parliament, to gain them to Consent to the Repeal of the *Test and Penal Laws* ; and procured that Parliament to be dissolved, when they found that they could not, neither by Promises nor Threatnings, prevail with the Members to comply with their wicked Designs.

19. But to crown all, there are great and violent Presumptions, inducing us to believe, that those Evil Counsellors, in order to the carrying on of their ill Designs, and to the gaining themselves the more time for the effecting of them, for the encouraging of their Complices, and for the discouraging of all good Subjects, have published, That the *Queen* hath brought forth a Son ; though there have appeared, both during the *Queen's* pretended Bigness, and in the manner in which the Birth was managed, so many just and visible Grounds of Suspicion, that not only we ourselves, but all the good Subjects of those Kingdoms, do vehemently suspect, that the Pretended Prince of *Wales* was not born by the *Queen*. And it is notoriously known to all the World, that many both doubted of the *Queen's* Bigness, and of the Birth of the Child, and yet there was not any one Thing done to satisfy them, or to put an end to their Doubts.

20. And since our Dearest and most Entirely beloved Consort the Princess, and likewise We Our Selves, have so great an Interest in this Matter, and such a Right, as all the World knows, to the Succession to the Crown : Since also the *English* did in the Year 1672. when the States-General of the *United Provinces* were invaded

in a most unjust War, use their utmost Endeavours to put an End to that War; and that in Opposition to those who were then in the Government; and by their so doing, they run the Hazard of losing both the Favour of the Court, and their Employments: And since the *English Nation* has ever testified a most particular Affection and Esteem, both to our Dearest Consort the Princess, and to Our Selves, We cannot excuse our selves from espousing their Interests, in a Matter of such high Consequence, and from contributing all that lies in us, for the maintaining both of the *Protestant Religion*, and of the Laws and Liberties of those Kingdoms, and for the securing to them the continual Enjoyment of all their just Rights. To the doing of which, We are most earnestly solicited by a great many Lords, both Spiritual and Temporal, and by many Gentlemen, and other Subjects of all Ranks.

21. Therefore it is, that We have thought fit to go over to *England*, and to carry over with us a Force, sufficient by the Blessing of God, to defend us from the Violence of those Evil Counsellors. And We being desirous that our Intentions in this may be rightly understood, have, for this End, prepared this *Declaration*, in which, as we have hitherto given a True Account of the Reasons inducing us to it, so, We now think fit to declare, That this our Expedition is intended for no other Design, but to have a Free and Lawful Parliament assembled, as soon as is possible; And that in order to this, all the late Charters by which the Election of Burgesses are limited contrary to the Ancient Custom, shall be considered as Null and of no Force: And likewise all Magistrates who have been unjustly turned out, shall forthwith resume their former Employments, as well as all the Boroughs of *England* shall return again to their Ancient Prescriptions and Charters: And more particularly, that the Ancient Charter of the Great and Famous City of *London*, shall again be in force: And that the Writs for the Members of Parliament shall be addressed to the proper Officers, according to Law and Custom. That also none be suffered to choose, or to be chosen Members of Parliament, but such as are qualified by Law: And that the Members of Parliament being thus lawfully Chosen, they shall meet and sit in full Freedom; that so the Two Houses may concur in the preparing of such Laws, as they upon full and free Debate shall judge necessary and convenient, both for the confirming and executing the Law concerning the *Test*, and such other Laws as are necessary for the Security and Maintenance of the *Protestant Religion*; as likewise for making such Laws as may establish a good Agreement between the *Church of England* and all *Protestant Dissenters*; as also for the covering and securing of all such who will live peaceably under the Government, as becomes good Subjects, from all Persecution upon the Account of their Religion, even *Papists* themselves not excepted; and for the doing of all other Things, which the Two Houses of Parliament shall find necessary for the Peace, Honour and Safety of the Nation, so that there may be no more danger of the Nations falling at any time hereafter under *Arbitrary Government*. To this Parliament we will also refer the Enquiry into the Birth of the Pretended Prince of *Wales*, and of all Things relating to it, and to the Right of Succession.

22. And We, for our part, will concur in every thing that may procure the Peace and Happiness of the Nation, which a Free and Lawful Parliament shall determine; since we have nothing before our Eyes in this our Undertaking, but the Preservation of the *Protestant Religion*, the Covering of all Men from Persecution for their Consciences, and the securing to the whole Nation the free Enjoyment of all their Laws, Rights and Liberties, under a Just and Legal Government.

23. This is the Design that we have proposed to our selves, in appearing upon this occasion in Arms: In the Conduct of which, We will keep the Forces under our Command, under all the Strictness of Martial Discipline; and take a special Care, that the People of the Countries, through which we must March, shall not suffer by their Means; and as soon as the State of the Nation will admit of it, We promise that we will send back all those Foreign Forces that we have brought along with us.

24. We do therefore hope that all People will judge rightly of us, and approve of these our Proceedings: But we chiefly rely on the Blessing of God for the Success of this our Undertaking, in which We place our whole and only Confidence.

25. We do in the last Place invite and require all Persons whatsoever, all the Peers of the Realm both Spiritual and Temporal, all Lords-Lieutenants, Deputy-Lieutenants, and all Gentlemen, Citizens, and other Commons of all Ranks, to come and assist us, in order to the executing of this our Design, against all such as shall en-

deavour to Oppose us ; that so we may prevent all those Miseries which must needs follow upon the Nations being kept under Arbitrary Government and Slavery : And that all the Violences and Disorders which have overturned the whole Constitution of the *English* Government, may be fully redressed in a *Free and Legal Parliament*.

26. And we do likewise resolve, That as soon as the Nations are brought to a state of Quiet, We will take Care that a Parliament shall be called in *Scotland*, for the restoring the Ancient Constitution of that Kingdom, and for bringing the Matters of Religion to such a Settlement, that the People may live easie and happy, and for putting an end to all the unjust Violences, that have been in a course of so many Years committed there.

We will also study to bring the Kingdom of *Ireland* to such a State, that the Settlement there may be religiously observed ; and that the Protestant and *British* Interest there, may be secured. And we will endeavour by all possible Means, to procure such an Establishment in all the Three Kingdoms, that they may all live in a happy Union and Correspondence together ; and that the Protestant Religion, and the Peace, Honour and Happiness of those Nations, may be established upon lasting Foundations.

Given under our Hand and Seal, at our Court in the Hague, the Tenth Day of October, in the Year of our Lord 1688.

WILLIAM HENRY, Prince of ORANGE,

By his Highness's Special Command,

C. HUYGENS.

His Highness's Additional Declaration.

After we had prepared and printed this our Declaration, we have understood, that the Subverters of the Religion and Laws of those Kingdoms, hearing of our Preparations, to assist the People against them, have begun to retract some of the Arbitrary and Despotick Powers that they had assumed, and to vacuate some of their Injust Judgments and Decrees. The sense of their Guilt, and the distrust of their Force, have induced them to offer to the City of *London* some seeming Relief from their great Oppressions ; hoping thereby to quiet the People, and to divert them from demanding a Re-establishment of their Religion and Laws under the shelter of our Arms : They do also give out, That we do intend to Conquer and Enslave the Nation ; and therefore it is that we have thought fit to add a few Words to our Declaration.

We are confident, that no Persons can have such hard Thoughts of us, as to imagine that we have any other Design in this Undertaking, than to procure a Settlement of the Religion, and of the Liberties and Properties of the Subjects, upon so sure a Foundation, that there may be no danger of the Nations relapsing into the like Miseries at any time hereafter. And as the Forces that we have brought along with us, are utterly disproportioned to that wicked Design of Conquering the Nation, if we were capable of Intending it ; so the great Numbers of the principal Nobility and Gentry, that are Men of Eminent Quality and Estates, and Persons of known Integrity and Zeal both for the Religion and Government of *England*, many of them being also distinguished by their constant Fidelity to the Crown, who do both accompany us in this Expedition, and have earnestly solicited us to it, will cover us from all such malicious Insinuations : For it is not to be imagined, that either those who have Invited us, or those that are already come to Assist us, can join in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honours, Estates and Interests. We are also confident, that all Men see how little Weight there is to be laid on all Promises and Engagements, that can be now made ; since there has been so little regard had in the Time past, to the most solemn Promises. And as that imperfect Redress that is now offered, is a plain Confession of those Violations of the Government that we have set forth ; so the Defectiveness of it is no less apparent : For they lay down nothing which they may not take up at pleasure ; and they reserve entire, and not so much as mentioned, their Claims and Pretences to an Arbitrary and Despotick Power ; which has been the Root of all their Oppression, and of the total Subversion of the Government. And it is plain, that there can be no Redress, no Remedy offered but in Parliament ; by a Declaration of the Rights of the Subjects that have been invaded, and not by any pretended Acts of Grace, to which the Extremity of their Affairs has driven them. Therefore it is that we have thought

thought fit to declare, That we will refer all to a Free Assembly of the Nation, in a Lawful Parliament.

Given under our Hand and Seal, at our Court in the Hague, the Twentyfourth Day of October, in the Year of our Lord, 1688.

WILLIAM HENRY, Prince of ORANGE.

By his Highness's special Command,

C. HUYGENS.

Mr. Phipps. My Lords, The Reason why we humbly offer this Declaration, is with relation to that Passage in the Sermon, which says, That the Prince of Orange disclaimed all manner of Resistance. All we observe is, That it don't appear that he came over with an Army with any other Intent than to defend himself against evil Counsellors: And if the Doctor has made a wrong Inference, we submit it to your Lordships, whether such a Misapprehension of his Highness's Meaning shall subject him to a Charge of High Crimes and Misdemeanors.

Mr. Dodd. My Lords, We have finished what we have to offer on this Article, and submit it to your Lordships whether we have not made good our Defence; we are ready to go on to the Second Article, if it be your Lordships Pleasure.

Then the Lords Adjourned to their House above.

Monday, March 6. The Seventh Day.

THE Lords coming down into *Westminster-Hall*, and being seated in the manner before-mention'd, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before:

Lord Chancellor. Gentlemen, you that are Council for the Prisoner, may proceed in his Defence.

Mr. Dodd. MY Lords, We who are Council for Doctor Sacheverell, beg the Favour that we may enter on the Doctor's Defence as to the Second Article: This Article is divided into Three Heads. 1. That the Toleration is unreasonable, and the Allowance of it unwarrantable. 2. That

he is a False Brother, who defends Toleration and Liberty of Conscience. 3. *That it is the Duty of the chief Pastors to thunder out Anathema's, &c.*

The first Head I shall speak to is, as to the Toleration. My Lords, We say there is no such thing as a Toleration granted by Law; the Word is not to be found in the Act of Parliament; there is an Act (which we suppose is intended) *to exempt Protestant Dissenters from the Penalties of certain Laws* therein mentioned: However in this Debate, we shall take Notice of it as a Toleration, altho' we think, when there is a Legal Proceeding, the Act should have been called by its own proper Name: Now, my Lords, this Act of Parliament hath several Restrictions and Limitations in it, and (amongst others) not to exempt any Persons from the Penalties, that do not frequent some Religious Assembly thereby allowed; the Doctor no where finds Fault with a Legal Toleration, or a Toleration granted by Law, within the Description and Meaning of this Act of Parliament. My Lords, we think the Doctor has taken such Care least any Expression should undergo a wrong Construction, as if he were uneasie at the Toleration, that he Explains himself very particularly about it: We shall read the Words out of the Sermon, which I think will clear the Doctor as to this Objection; the Doctor says, *Pray do not misunderstand me, as if I reflected upon that Indulgence the Government has given the Dissenters, which I am sure all Well-wishers to our Church are ready to grant; nor do I intend to cast the least Reflection on that Indulgence, which the Law has given to Consciences truly Scrupulous; let them enjoy it in the full Limits the Law has prescribed.*

Now after such a Declaration, so plain a Confession, so full in the Case, in Words as significant as can be to shew his Meaning, we hope there is no room to tax him with this Part of the Article by any incoherent Words, or Inferences, when it is directly contrary to what he has in Words at length express'd.

My Lords, This being considered, we think it is too hard to draw Inferences, and Consequences, that the Doctor is against the Toleration allowed by Law; it is not to be done with Candour, by any one that reads the Sermon without Prejudice, and considers the Care he takes to avoid giving any Offence in this Case.

As to the second Part of this Article, we think it may receive the same Answer: *That he is a False Brother who Defends Toleration and Liberty of Conscience.* The Doctor does not say they are False Brethren that Defend a Legal Toleration, no Body complains of that: but the Persons intended, are those

those that Defend an unlawful Toleration, and not a Legal Exemption, which Legal Exemption the Doctor admits to be good and just, in the Passage I have before repeated. We apprehend, the Doctor means those are False Brethren, and blameable, that Excuse the Separation from the Church, not on account of the Toleration, but *by laying the Faults on the true Sons of the Church, for carrying Matters too high*; these are the People, the False Brethren, that cry out against the Church upon all Occasions.

As to the Doctor's Expressions about Arch-Bishop *Grindall*, the Doctor thought he had good Grounds for them; but at least they were but unwary Expressions, and we hope not Criminal. The Toleration he mentions Arch-Bishop *Grindall* to be blamed for, was quite another Thing from the present Indulgence now granted; the first was by Queen *Elizabeth* alone, or by the Arch-Bishop's Authority under her, and without the Parliament; the Dissenters were then few, and it had been no great Difficulty to have prevented that Schism at the beginning; but now the Dissenters are a considerable Part of the Nation, have great Riches, and Properties amongst us, and it became the Wisdom of the Legislature, to give them an Indulgence according to the Restrictions in the Act of Parliament: But this is a different Case, and by a different Authority, from what was in Arch-Bishop *Grindall's* time; the Story of that Arch-Bishop, as related by one of the Gentlemen Managers, does indeed acquit the Arch-Bishop, but how far it clears Queen *Elizabeth*, we must leave to your Lordships; for should a great Favourite attempt to procure a Grant of the Arch-Bishop's Palace; or a chief Revenue of that See, or Church, and that the Arch-Bishop's opposing the Favourite herein (as was by the Gentlemen suggested) should be the Reason of his Disgrace; or if the Arch-Bishop did Prosecute or Punish a Man in the Spiritual Court, for having two Wives at the same time: (which Prosecution or Punishment was highly commendable in the Arch-Bishop, and was his Duty to do) it would be hard to think, that Queen *Elizabeth* should Suspend him from the Arch-Bishoprick for such a Proceeding, for thus discharging his Duty, therefore we can't give Credit to that History as it is related; but we shall shew your Lordships, from the Arch-Bishop's Letter to the Council, and Letters from *Beza* and *Calvin* at that time, that it was his Indulgence to the Dissenters of that time, that drew the Anger of Queen *Elizabeth* on him, and that this was the Reason of it, we shall make out by undeniable Proof. Now, my Lords, we apprehend the Fault the Doctor finds in his Sermon is against an Uni-

versal general Toleration that tends to a Dissolution of all Things; and such a Toleration, would make Religion like that of the *Samaritans*, a mixture of all sorts, that was odious to the World, and an Abomination to the *Jews*; and indeed, my Lords, we apprehend such a Toleration the Doctor had great Reason to find Fault with. Surely such a Toleration is not to be defended, nor would be of any Service to either Church or State: This is the Toleration which we think the Doctor intended, and not against a Legal or particular Exemption, which the Wisdom of the Nation has thought fit to give. Indeed he thinks, that Occasional Conformists do attempt to hoist the Toleration into an Establishment, and come into the Communion of the Church to serve a particular Purpose, and this at most can only be said to be the Doctor's Opinion of that Matter, and whether true or false, cannot be Criminal. To speak against a Law, or to break a Law, is not to be justified: Nor has he spoke against this Law; but if he had, surely he had been Punishable in the ordinary Methods of Justice, and not in a Proceeding of this Nature.

As to the next Head, that is, as to that Part of the Charge about thundering out *Anathema's*, the Discourse is general, and not determin'd to any Persons, not pointed at the Dissenters, but properly intended against Irreligion; and the Sentence that he dares any Power on Earth to reverse, is such, and such only, as is ratified in Heaven. He believes some Sentences of the Church to be ratified in Heaven; and if that Sentence which is pronounced here on Earth, be ratified in Heaven, it is, beyond all Dispute, out of the Power of Man to reverse it. He supposes some Persons exempt from Punishment by particular Laws, may yet, by the Law of Christ, be liable to such a Sentence: But from hence, or his Answer to the Articles, to draw a Conclusion, That he Asserts the State had not Power to reverse the Sentence of the Spiritual Court, (of which there can be no doubt, but that the Legislature has such a Power) or that the Legislature is guilty of Blasphemy, (as has been objected by one of the Gentlemen Managers) is neither true Reason nor Logick.

That Schism is a Sin punishable by the Laws of the Church, will not be Disputed, if it be a Separation without a just Cause; and how far this is such a Separation, or that the Act of Parliament hath taken away this Schism, this Sin, we submit to your Lordships.

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Mr. Phipps. **M**Y Lords, We are come now to the Second Article, and we humbly apprehend, shall give your Lordships as full Satisfaction of the Doctor's Innocence, as to the Crimes charged in this Article, as we hope we did as to those contained in the First Article.

As to that Part of the Second Article which says, *That the Doctor does Suggest and Maintain, that the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable:* He conceives there is nothing in his Sermon can warrant that Charge. The Toleration Act is not what the Doctor finds Fault with, but the Persons that Abuse it; and I beg leave to say, that the ill Use which is made of it, is unreasonable and unwarrantable. But, that the Doctor asserts the Toleration it self to be unreasonable, or the Allowance of it unwarrantable, will appear to be a great Mistake, when the Paragraphs in the Doctor's Sermon, upon which this Article is founded, are considered.

My Lords, The first Passage is in Page the 8th, where the Doctor says thus: *If upon all Occasions to comply with the Dissenters, both in publick and private Affairs, as Persons of tender Consciences and Piety, to promote their Interests in Elections, to sneak to them for Places and Preferment, to defend Toleration and Liberty of Conscience, and under the Pretence of Moderation, to excuse their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high, &c.* These are some of the Characters which the Doctor gives of False Brethren: But, is there any thing in this Passage that avers Toleration to be unreasonable, or the Allowance of it unwarrantable?

Page the 10th, the Doctor hath these Words, which were urged to Prove this Article: *Our Constitution, both in Church and State, has been so admirably contrived, with that Wisdom, Weight and Sagacity, and the Temper and Genius of each, so exactly Suited and Modell'd, to the mutual Support and Assistance of one another, that 'tis hard to say, whether the Doctrines of the Church of England contribute more to Authorize and Enforce our Civil Laws, or our Laws to Maintain and Defend the Doctrines of our Church. The Natures of both are so nicely Correspondent, and so happily intermixt, that 'tis almost impossible to offer a Violation to the one, without breaking in upon the Body of the other. So that in all those Cases before mentioned, whosoever Presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be Arraign'd as a Traytor to the State; Hetodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebel-*
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lion and High-Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical. Can this be meant of the Toleration? Is the Toleration so much as mentioned here? Does he not here speak against such as innovate, alter or misrepresent the Articles of our Faith? Is there any Innovotion, Alteration, or Misrepresentation of any Article of our Faith by the Protestant Dissenters? The Dissenters do not differ from us in Matters of Faith, but in Matters of Form and Ceremony; if they differ'd from us in Matters of Faith, they would be Hereticks, and Heresie was never intended to be Tolerated by the Act of Indulgence: And therefore what the Doctor says in this Paragraph, can never be taken to be a Reflection on the Toleration.

I shall next humbly offer to your Lordships Consideration another Clause, which was cited by the Gentlemen of the House of Commons to support this Article, which is pag. 14. where 'tis said, *These False Brethren in our Government, do not singly, and in private, spread their Poyson, but (what is lamentable to be spoken) are suffer'd to combine into Bodies, and Seminaries, wherein Atheism, Deism, Tritheism, Socinianism, with all the Hellish Principles of Fanaticism, Regicide and Anarchy, are openly Profess'd, and Taught, to Corrupt and Debauch the Youth of the Nation, in all Parts of it, down to Posterity, to the present Reproach, and future Extirpation of our Laws, and Religion.* Certainly the Toleration was never intended to Indulge, and Cherish such Monsters, and Vipers, in our Bosom, that scatter their Pestilence at Noon-day, and will Rend, Distract, and Confound, the firmest and best settled Constitution in the World. Is there any thing in this Clause that can maintain this Article? The Doctor says, Certainly the Toleration was never intended to Indulge, and Cherish, such Monsters, and Vipers in our Bosom, as Atheists, Tritheists, Socinians, &c. And the Doctor is well warranted in saying that, because those enormous Crimes are particularly excepted in the Act of Toleration, and for this we refer to the Act it self.

The next Clause that was urg'd to maintain this Article is in the 16th Page, where the Doctor expresth himself in these Words. *But since this Model of an Universal Liberty and Coalition fail'd, and these False Brethren could not carry the Conventicle into the Church, they are now resolv'd to bring the Church into the Conventicle, which will more plausibly and sily Effect her Ruin: What could not be gain'd by Comprehension, and Toleration, must be brought about by Moderation, and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish.*
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If the Church can't be pull'd down, it may be blown up; and no matter with these Men how 'tis Destroy'd, so that it is Destroy'd. Do this suggest the Toleration to be Unreasonable, or the Allowance of it Unwarrantable? It rather excuses it from having hurt the Church: For he says, *What could not be gain'd by Toleration, must be brought about by Moderation, and Occasional Conformity;* so that the Injury which is done to the Church is ascribed by him to some other Cause. Thus your Lordships observe there is not any Passage in the Doctor's Sermon, whereby he Suggests, that the Toleration granted by Law is Unreasonable, or the Allowance of it Unwarrantable, and consequently no Foundation for this Article, unless it is to be supported by Inferences contrary to the Doctor's express Words; for the Doctor in his Sermon, pag. 20. says, *I would not here be understood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous; let them enjoy it in the full Limits the Law has prescrib'd.* By which 'tis evident, he allows the Indulgence given by the Act to Dissenters, and is very far from suggesting, that it is unreasonable, or the Allowance of it unwarrantable. He wishes with all his Heart they may enjoy it in the full Limits of the Law. And therefore if there be any other Expressions concerning Toleration which may seem to carry a dubious Sense, 'tis humbly conceiv'd they ought not to be apply'd to the Exemption granted by Law, but will be so Interpreted as may consist with his avowed Approbation of that Law. For in all Writings such Exposition is to be made, that one part may not contradict or be inconsistent with the other: But to strain the Sense of any ambiguous Clause, and to put such a Construction upon it as to make it contradict a plain and positive Assertion in the same Writing, was never allow'd, and I am sure will not be permitted by your Lordships, who have shew'd such a just Abhorrence of strain'd and Foreign Insinuations and *Innuendo's*. And therefore where he seems to blame those who defend Toleration, he cannot be thought to condemn the Indulgence granted by Law, because he hath in such positive and express Terms allowed and approved of it.

But it must have some other Meaning, and I think his Meaning is very plain. For by condemning such as defend Toleration, 'tis evident, he means such as maintain, that the Act of Indulgence is a Justification of their Separation, and excuseth them from the Sin of Schism; For the Defence of Toleration, and Excuse of Separation, are mentioned in one

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and the same Clause of the Sentence, and in one and the same Branch of their Character of False Brethren. So that the True and Genuine Sense of what he hath said in his Sermon concerning Toleration is,

1. That he intirely approves of the Exemption by the Act of Indulgence of Protestant Dissenters from the several Penalties inflicted by the several Statutes for their Non-conformity.

2. That tho' they are exempt from the Penalties, yet that does not excuse their Separation from the Sin of Schism in *foro Conscientiae*; and is the Doctor alone in this Notion? Is he not justified in it by the Opinion of many Learned Men, who have writ on that Subject? Nay, I appeal to your Lordships, whether it be not the concurrent Opinion of the greatest part, if not all the Learned Men of our Church at this Day.

And since the Act of Uniformity is in Force, and is not repeal'd or enervated by the Act of Indulgence, since the Doctrine and Worship of the Church of *England* is the Establish'd Religion of this Kingdom, whether a Separation from the Church, since the Act of Indulgence, is not as much a Schism in *foro Conscientiae*, as it was before, is humbly submitted.

But suppose that Separation from the Church by Dissenters, since the Act of Indulgence, should not be thought a Schism, yet he having the Opinion of so many Learned Men of his side, his Assertion cannot be said to be Wicked, Malicious and Seditious, nor to be so high a Crime and Misdemeanour, as to be the subject Matter of an Impeachment.

But the Passages in the Doctor's Sermon, which are supposed to condemn the Toleration, or to reflect on the Dissenters, are open to another plain and natural Construction. For since he positively, and in express Terms, allows Liberty of Conscience to Consciences truly scrupulous, and which are Intituled to the Benefit of the Act: Where he condemns or speaks against Toleration, it must be Intended as to such Dissenters who are not Intituled to the Benefit of the Act, but are excepted out of it; And those are such as by Printing or Writing deny the Trinity, such as do not come to some Assembly of Religious Worship allowed by that Act; and no Assembly of Religious Worship is allow'd by that Act 'till the Place of meeting be certified to the Bishop, Arch-Deacon, or Justices at the Quarter-Sessions, and Recorded, and a Certificate thereof given: And, what Multitudes frequent religious Assemblies which are not allowed by

by that Act? Nay, how few religious Assemblies are qualified according to the Act? What vast Numbers go to no religious Worship at all? And how many there are who deny the Second Person of the Trinity, is too too evident: And against every one of these, all the Laws for frequenting Divine Service on the Lord's-Day are still in Force, by the express Words of that Act. Therefore all those who defend a general Toleration, who maintain that the Act extends to all such Dissentents, are justly Censur'd by the Doctor; and all the Expressions in the Doctor's Sermon against Toleration must be intended against those excepted in the Act, since he so expressly approves the Indulgence allow'd to those that conform to the Terms prescribed by the Act.

My Lords, As to that Branch of this Second Article which charges the Doctor with Asserting, *That Queen Elizabeth was deluded by Archbishop Grindal to the Toleration of the Genevian Discipline*; whether he be not warranted in this Assertion, is humbly submitted to your Lordships, when 'tis consider'd, That Archbishop was once in the highest Esteem with the Queen, She made him Bishop of London, then Archbishop of York, and afterwards promoted him to the See of Canterbury; and that after this he was in Disgrace, and died in Her Majesty's Displeasure, cannot be deny'd. The Reason assign'd for his Disgrace was, That he was a great Encourager of unlawful Conventicles, or Prophesyings, as they were then called; whether that Charge against him was true, or whether it was only a false Suggestion of the Earl of Leicester, to remove him from the Queen's Favour, I will not presume to determine. The Learned Manager who spoke first to this Article, was pleased to acquit the Archbishop, and lay the Fault upon the Queen; though, whoever reads Calvin's and Beza's Letters to him when Bishop of London, whoever reads Queen Elizabeth's Letter to the Bishops, dated the 3d of May, 1577, and the Archbishop's own Letter to the Lords of the Council the 25th of November, 1577, will be fully satisfied that he was not Innocent; for he confesses he was commanded by the Queen and Council to suppress the Prophesyings, and that he refused and could not comply with that Command; and acknowledged it to be an Act of great Clemency in her Majesty, that She carried Her Relentment no higher. So, I think, that pious good Queen is entirely acquitted by the Archbishop himself.

All Historians admit, that in his Time the Puritans were very numerous, and their Party very strong; and and it is evident they grew so dangerous, that the Statute of the 35th of *Elizabeth* was made to suppress their Conventicles, and compel them to come to Church. And at his Death the Affairs of the Church were in so great Confusion, that his Successor, Archbishop *Whitgift*, was put to great Trouble to check that growing Faction, and reduce Things into good Order again. If therefore the Doctor was of Opinion the Puritans receiv'd too great Encouragement by the Countenance of that great Man, and if it was his Zeal for the Church, and the Resentment he had that it should receive any Prejudice by the Connivance of one at the Head of it, that provoked him to use a harsh Expression of that Archbishop, 'tis humbly to be hop'd that is not sufficient Ground for an Impeachment of High Crimes and Misdemeanors.

The Gentleman that spoke first to this Article, was pleas'd to admit, that what the Doctor said in relation to that Archbishop, was not an Offence, as it was a Reflection on the Archbishop: But that using such Expressions of the Archbishop for his Moderation to the Puritans, was a Reflection on the late Act of Toleration granted to Protestant Dissenters; and that calling the Prosecutions against the Prophefying in Queen *Elizabeth's* Time *Wholsome Severities*, is an Encouragement to use such Severities against the Protestant Dissenters now.

Can what was done in Queen *Elizabeth's* Time reflect on the Toleration? Can calling the Prosecutions by Queen *Elizabeth* against such as frequented Conventicles against the Law, and for which there was no Toleration; I say, can the calling such Prosecutions *Wholsome Severities*, reflect on this Toleration granted by Law? Or can it encourage a Prosecution against the Dissenters, who are intitled to the Benefit of the Toleration, and are Exempt from the Penalties of the Laws?

The only thing that can be inferr'd from what the Doctor says, in relation to the *Wholsome Severities* is, That he intended to excite the Magistrates to put the Laws in Execution against such Dissenters as were excepted out of the Act of Toleration; and I am at a Loss to find how that can make him an Offender. For surely the Parliament never intended that any Person should have the Benefit of the Act of Toleration, that did not comply with the Terms and Conditions of it: And therefore when the Doctor

Doctor presseth the Execution of the Laws against such as are not intitled to the Benefit of the Act, he seems to me rather to Vindicate than Reflect upon the Toleration. Great Offence hath been taken at the Words *Wholsome Severities* in the Doctor's Sermon; yet, my Lords, I cannot think the Word *Wholsome* an improper Epithet for the Severities used by Queen *Elizabeth*, against the Puritans; for Faction was then in its Infancy, Schism did but just begin to disturb the Church; and by the Severities of the Laws that were put in Execution, and the Courage, Learning, and Prudence of Archbishop *Whitgift*, a Stop was put to them. And I presume, such Severities as suppress'd these bold and daring Crimes in their Infancy, may be called *Wholsome* without a *Catachresis*, and can never be construed to be a Suggestion, that the Toleration now granted by Law is unreasonable, or the Allowance of it unwarrantable.

As to that Part of the Second Article, which chargeth the Doctor with maintaining, That it is the Duty of Superior Pastors to Thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration: The Doctor humbly Apprehends there is nothing in his Sermon can be a just Foundation for that Charge.

The Sermon hath this Sentence, Page 25. *Let our Superior Pastors do their Duty, in Thundering out their Ecclesiastical Anathema's; and let any Power on Earth dare reverse a Sentence ratified in Heaven.* This is an intire and independant Sentence, that doth not relate to any particular Person, or any particular Crimes, and does not mention the Persons intitled to the Benefit of the Toleration.

Nor can it be imagin'd that he should desire *Anathema's* to be Thunder'd out against such Persons who he wisheth may enjoy the Toleration in the full Limits the Law hath prescrib'd. But the *Anathema's* must be intended to be against the Works of Darknes, Atheism, Prophaneness, Faction, and other enormous Crimes which are mention'd in the preceding Part of his Sermon, since 'tis not apply'd by him to any particular Sins or Offences.

The Thundering *Anathema's*, is declaring those Judgments which are denounced in Scripture against Sin. And he desires the Superior Pastors of the Church to Thunder out these *Anathema's*, because the greater the Authority is of the Person that declares these Judgments, the greater Influence they are like to have upon the Persons guilty of such Sins.

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cc But if he had desir'd *Anathema's* or *Excommunications*, (as they would infer) should be Thunder'd out against Dissenters, yet it must be intended only against such as are not intituled to the Benefit of the Toleration; and since the Act of Indulgence leaves such Persons open to the Laws, it cannot be a Crime in the Doctor to press the Execution of the Laws against them.

For not to accept of the Toleration on the Terms offer'd by the Act, is what the Doctor calls *hoisting the Toleration into an Establishment*, in despite of the Act, and setting up a Toleration of their own in Defiance of it.

As to the last Part of the Second Article, which Charges, that the Doctor *Insolently dares and defies any Power on Earth to reverse such Sentences*, which Sentences are there insinuated to be the Sentences, or *Anathema's*, given and thunder'd out by Superior Pastors; there are no such Words in the Doctor's Sermon: For, the Doctor's Words are, *Let any Power on Earth dare reverse a Sentence Ratified in Heaven*. So that the bare Recital of the Doctor's Expression, is a sufficient Confutation of that Part of the Article.

For if the Judgments or *Anathema's* denounced by Superior Pastors against Sin, are such as are Denounced against such Sins in Scripture, such Sentences may truly be said to be ratified in Heaven: And if so, then no one can dare to think, that such Sentences, so ratified in Heaven, can be revers'd by all the Powers on Earth united together. And therefore, the Doctor hopes it will not be thought Insolence, or a High Crime or Misdemeanor in him, to Assert what he conceiv'd would be Blasphemy in any one to deny. This is what I humbly offer to your Lordships Consideration on this Article.

cc Mr. Dee. MY Lords, I humbly beg the Favour of a few Words on this Article. It is divided into three Parts. The first is concerning Toleration; the Charge against the Doctor is, That he has reflected on the Toleration as it is Established by Law. I crave leave to take Notice, that on considering the whole Sermon, there are two distinct Tolerations mentioned in it; a Toleration that is Legal, (for so I call the Act of Indulgence) and a Toleration that is general; and we think that Distinction, well observed, will clear the Doctor of any Crime in this Particular. Where he reflects on Toleration, it is not the Legal Toleration, but the general; and if it will bear this Construction, you will not put the other upon it; for where

where he has taken Notice of a Legal Toleration, (which he hath done only in one Place of his Sermon) he is for extending it to the utmost Bounds; his Words are these, *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government hath condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly Scrupulous; let them enjoy it in the full Limits the Law hath prescribed.* But, where he speaks against Toleration, it's a Toleration of such enormous Crimes, as are not fit to be tolerated in any Christian Nation.

As to the Second Part of the Article, for Reflecting on Arch-Bishop Grindall, and thereby reflecting on the Toleration; it was given up on the other Side; and admitted, that, whether True or False, it was not Material, and then surely that will hardly amount to a Crime. But, we shall be so far from giving up that Point, that we shall shew he was False to the Church at that Time; and it was a Crime in him, to give up the Discipline of the Church. No Laws were then made to Indulge any Separation: And for the Head of the Church, under the Queen, to give up the Discipline of the Church, was a high Crime in him; and tho' it may be thought harsh, will bear the true Term of a False Brother.

As to the Third Part of the Article, the thundering out Anathema's, I would beg leave to read that Part of the Doctor's Sermon, which, I hope, shall not be applied to those that are within the Legal Toleration. *Schism and Faction are Things of impudent and incroaching Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment: (I hope the Dissenters will not take these Characters on themselves:)* And are therefore to be treated like growing Mischiefs, or infectious Plagues, &c. Presently after follows, *Let our Superior Pastors do their Duty, in thundering out their Ecclesiastical Anathema's: and let any Power on Earth dare reverse a Sentence ratified in Heaven.* Now, my Lords, I would beg leave to say, that this is only Advice, and although the Doctor may be accounted pretty Pert, to give Advice to his Superior Pastors, that they ought to thunder out *Anathema's*; yet this cannot be Construed to extend to them that are described in the Act of Toleration, those that could not Conform to some Ceremonials by reason of Scrupulous Consciences, these could not be called Factions, but is meant of other People described in the Sermon. But if

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the Doctor had advised to thunder out *Anathema's* against Dissenters; (supposing, but not granting it) the Question would come to this Point, Whether he was deceived in Point of Judgment or no: For, if they were Schismaticks before, the Schism remains the same, notwithstanding the Toleration; and if it was Sin before the Act of Toleration, it is so still, notwithstanding the Act; and then his Advice to the Superior Pastors, is to do that which is (with Submission) their Duty to do, 'till prohibited by the Temporal Courts. My Lords, I shall mention one Case, that will shew you, that it is still Schism to separate from the Church, and that it is the Duty of Dissenters to Communicate with the Church. That was the Case of one Mr. *Larwood*: In *Hilary Term, sexto* of King *William*, an Information was exhibited against him, for refusing to take upon him the Office of Sheriff of the City of *Normich*; he Pleads he had not taken the Sacrament in Twelve Months; the Attorney replied, that he ought to have done it. He rejoyns, that he was a Protestant Dissenter, and was excused by the Act of Toleration. There were two Points in the Case; the first was, whether it appeared by the Information that the Defendant was duly Elected; the other, whether the Plea in Bar was good, (for the whole Court held that the Rejoinder was a departure from the Bar, and that the Replication was insufficient;) so that Judgment was to be given upon the Information, and the Plea in Bar. *Samuel Eyre*, Justice, was of Opinion with the Defendant as to both Points; my Lord Chief Justice *Holt*, and Mr. Justice *Giles Eyre*, were of Opinion against him as to both Points, and held the Bar to be insufficient, because it was only excusing of one Fault by another, which no Man shall be admitted to do; and they held that the Duty of Communicating with the Church remained, notwithstanding the Act of Toleration: And I submit it to your Lordships Consideration, whether if it be a Duty to Communicate with the Church of *England*, it be not Schism to Separate from it. My Lords, I shall say no more to this Article, but submit it to your Lordships.

Dr. Henchman. MY Lords, We are now endeavouring to defend Doctor *Sacheverell* against the Charge contain'd in the second Article of Impeachment, in the two first Clauses of which he is said To suggest and maintain, That the Toleration granted by Law is unreasonable, and the Allowance of it unwarrantable: And to assert, That

That he is a False Brother, with Relation to God, Religion, and the Church, who defends Toleration and Liberty of Conscience. But it has not been said by any of the Learned Managers on this Head, that either of these two Branches of this Article are expressly delivered in any part of the Sermon Preach'd at St. Paul's; but what is no where affirm'd, is said to be suggested, and this Charge is maintained by Inferences only, because there is no plain positive Proposition that it can be supported by.

My Lords, It is humbly hop'd. That if an Inference may be allow'd as Proof to accuse him, an open Declaration will be heard in his Defence: If what another Man makes him say be thought Ground enough for an Accusation, then certainly what he himself openly declares will be esteem'd something more than a dry Caution, and have its due Weight with your Lordships in his Vindication. I would therefore beg Leave to read a Passage where he explains himself, and plainly declares what his Thoughts are concerning the Indulgence granted by Law: This Passage is in the twentieth Page, where speaking of some wholesome Severities us'd in former Reigns, he adds, *I would not here be misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give them, which I am sure all those that wish well to our Church are very ready to grant to Consciences truly scrupulous; let 'em enjoy it in the full Limits the Law has prescrib'd.*

My Lords, These Words are plain and express, and not capable of being misconstrued or misunderstood: Whether those Learned Gentlemen, who have applied some Parts of this Sermon to Purposes directly opposite to this plain Declaration, have misunderstood or misconstrued those Passages, must be submitted to your Lordships Judgment; but it seems hardly reconcileable that the same Person in the same Discourse should declare, That all who wish well to the Church are ready to grant Indulgence to Consciences truly scrupulous, and at the same time maintain, That such Toleration is unreasonable, and the Allowance of it unwarrantable; that he should desire it may be enjoy'd in its full Latitude, and yet assert that he is a False Brother that defends it.

My Lords, This seeming Difficulty will be easily reconcil'd, by considering who those Persons are who are design'd to be eas'd by the Act of Exemption, and who the False Brethren are, describ'd by Doctor Sacheverell in this Sermon.

That Act, in the Preamble, is said to be intended *for the Ease of scrupulous Consciences*; one Sett of the False Brethren mention'd in the Sermon, are *Men of no Conscience at all*; whether Dissenters, or such as profess themselves with Zeal to be of the establish'd Church, but yet break her Communion by not obeying her Precepts.

That Act was intended for such only as qualify themselves, according to the Directions laid down in that Act; the False Brethren which the Doctor every where speaks of are such, and such only, as neither qualifie themselves according to that Act, nor think themselves subject to the Penalties of former Acts.

This Act, was intended in favour of such as either subscribe the Articles of Religion, excepting only the thirty fourth, thirty fifth and thirty sixth, some part of the twentieth, and that part of the twenty seventh which relates to Infant-Baptism; or else for such as subscribe a Profession of their Christian Belief in these Words; *I profess Faith in God the Father, and in Jesus Christ his Eternal Son the true God, and in the Holy Spirit, one God blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.* These are the Qualifications requir'd of such as will intitle themselves to the Benefit of this Act.

On the other hand, the False Brethren describ'd by Doctor Sacheverell, are *Atheists, Deists, Tritheists, Socinians, Revilers of the Holy Scripture*, and such like. Are not Men of these Opinions False Brethren with Relation to God and Religion? Or shall such Men be suffer'd to cover themselves under the Protection of an Act of Parliament, design'd only for the Ease of scrupulous Consciences. That there are Men among us of these Principles will be but too visible, from a Passage or two, which I beg leave to lay before your Lordships from Books lately Published.

The first which I shall mention is intituled, *A brief but clear Confutation of the Trinity*: If the Title it self has not given too much Offence to your Lordships, I shall proceed to look into the Book it self; and in the Ninth Page there is this Proposition laid down. *The Divinity attributed to the Son and Holy Ghost is unscriptural and idolatrous*; and in Page the tenth he goes on in these Words, *This one Fundamental False Principle, as well with Jews and Turks, as Heathens, has done more Mischief to Christianity than all other Errors besides.* These are such bare-fac'd Blasphemies as must make every Man's Ears tingle that hears them, and the

the Respect which is due to your Lordships, and this Assembly, makes me forbear instancing any thing more from this Author: But he does not stand alone; out of many more of the like sort I shall mention but one only, and

This is a Book, intituled, *The Rights of the Christian Church*; and the Author, in Page 108, lays down this Doctrine.

Among Christians one no more than another can be reckon'd a Priest. And a little after, The Clerk has as good a Title to the Priesthood as the Parson.

Thus, my Lords, these two Men strike off our whole Religion at once; the Fundamental Doctrine of our Faith is destroy'd by the first of 'em, and the Ministers, who are to support and defend that Doctrine, are set aside by the other.

If these and such like Opinions have any where prevail'd, is it not high time that some wholesome Severities were us'd to stop the growing Contagion? Or, if the Superior Pastors of the Church should thunder out their Ecclesiastical *Anathemas* against the Authors and Abettors of such horrible Blasphemies, by what Construction can this be said to be done against Persons intituled to the Benefit of the Toleration?

But, my Lords, there is one Passage in this Sermon, which has been urg'd by the Learned Manager on this Head with more than ordinary Force, and as a direct Breach and Insult upon the Toleration; with your Lordships Patience, I shall endeavour to set that Passage in a true Light. It is in the eighth Page: *Should any one, out of Ignorance or Prejudice to the ancient Rights and essential Constitution of the Catholick Church, affirm, that the Divine Apostolical Institution of Episcopacy is a novel Doctrine, not sufficiently warranted by Scripture, and that it is indifferent, whether the Church be govern'd by Bishops or Presbyters; is not such an one an Apostate from his own Orders?*

It was said, my Lords, that all those Dissenters who do not acknowledge the Divine Right of Episcopacy, and are therefore specially exempted by the Act of Indulgence from Subscribing some of the Articles of Religion, and who are immediately under the Protection of that Act, are yet, in the End of this Paragraph, charg'd with being False Brethren, where he Prays, *That God would deliver us from all such False Brethren.*

But, my Lords, it is plain, that these Words are not meant, nor can be construed, generally of Dissenters, who

deny the Divine Institution of Episcopacy, but are intended peculiarly of such Persons as have themselves been Episcopally ordain'd; the first of these cannot be said to be Apostates from that Doctrine which they never own'd, nor Subscrib'd to; the latter, who could not be admitted to their Orders 'till they had subscribed the receiv'd Doctrine of our Church, are the only Persons who can be said to be Apostates from their own Orders, if they deny that Divine Institution, by which they themselves have been Ordain'd, and consequently, the only Persons that are intended in this Passage, and term'd *False Brethren*.

My Lords, I shall not presume to say, what the Duty of the Superior Pastors of the Church is, when our Religion and Discipline is invaded by Atheists and Schismatics, much less to Determine what Sentences justly pass'd by them on Earth, may be ratified in Heaven: Thus much I hope I may say without Offence, that the Spiritual Power of Church Pastors is not deriv'd from the Civil Magistrate, but from God; that one Branch of that Power, is the censuring of Notorious Offenders, and excluding them from the Communion of the Church; and that this has in all Ages, in Fact, and of Right too, been exercis'd by the Pastors of the Church, by Permission of the Civil Magistrate. The Reverend and Learned Bench of Bishops well know, That before the Civil Magistrate did embrace the Christian Religion, the Pastors of the Church did inflict Spiritual Censures on Offenders, for doing such Things as the Imperial Edicts did not only Permit, but Command; and this Power, of inflicting Censures on Persons exempted from Punishment by the Laws of the Land, has been challeng'd, and is now exercis'd by the Reform'd Churches abroad; and by the Rubrick of our own Liturgy, open and notorious Evil Livers are to be repell'd from the Lord's Table, until they have openly declar'd their Repentance and Amendment.

cc We are told by the Learned Manager, That in case any Ecclesiastical Judge should inflict an Illegal Censure of Excommunication, the Temporal Courts may, and would soon give Relief by sending forth a Prohibition. But, your Lordships will consider, that there is a wide and manifest Difference betwixt an Excommunication founded upon a Prosecution in the Ecclesiastical Courts and the pronouncing Censures purely Spiritual: The external coercive Jurisdiction of Ecclesiastical Courts being deriv'd from the Laws of the Land, may, and is frequently by those
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Laws restrain'd ; but such Restraint does not hinder the Pastors of the Church from exercising the Spiritual Power of the Keys, which they derive not from the Laws of the Land, but from the Institution of Christ ; and therefore tho' it be provided in the Act of Exemption, that Persons taking the Oaths, and making the Declaration in that Act mentioned, shall not be prosecuted in any Ecclesiastical Court for not Conforming to the Church of *England*, yet it is not by that Act express'd or intended that Nonconformity to the Establish'd Church should no longer be look'd upon as Schism, or that Separatists may not, by the Pastors of the Church, be pronounc'd Schismatical. If Separatists from the Church of *England* were guilty of Schism before the Act of Exemption, they are as much guilty of it since, the Laws of the Land which require Conformity, being not by that Act repeal'd, tho' the Transgressors of those Laws are releas'd from those Pains and Penalties to which they were before obnoxious : But were the Laws of the Land which require Conformity to the Church of *England* expressly or virtually repeal'd, yet whilst the Laws of God requiring Church Unity, and forbidding Schism, are uncancell'd and remain in their full force, those who make causeless and unnecessary Divisions are still guilty of Schism, and may by the Pastors of the Church be Censur'd as such.

My Lords, I shall add but one Word in relation to Archbishop Grindall, not to disturb his Ashes, or blacken his Character, but to vindicate the Memory of that glorious Queen under whose Displeasure he died.

It was said, my Lords, that the true Ground of that Archbishop's Suspension, was partly because he would not give up his Manor of *Lambeth* to the Earl of *Leicester*, and partly because he had Censur'd one *Julio* an *Italian* for an illegal Marriage. Had these been the known Reasons of his Suspension, he would have had just Cause to have complain'd loudly of that Censure ; but without entring into the secret History of that Reign, I shall put the whole matter upon that Archbishop's own Sentiments, both as to the Cause of his Suspension, and the Justice of it.

By the Account which is yet extant under his own Hand it appears, that there were in those Days Men of a Fanatical Spirit that call'd themselves *Prophesiers* ; that that Archbishop had been order'd by the Queen and Council to suppress such Exercises within his Province, as contrary to the Laws of the Land, and the Establish'd Discipline of the Church ; but this Archbishop thought fit

not only to delay, but absolutely to refuse to join in suppressing those Exercises, and for this Disobedience to the lawful Commands of his Sovereign he was suspended.

My Lords, His own Words which he uses upon this occasion are very remarkable, when he applies to the Council to intercede with Her Majesty to be restor'd to Her Gracious Favour, viz.

And whereas I have sustain'd the Restraint of my Liberty, and the Sequestration of my Jurisdiction, now by the space of Six Months; I am so far from repining thereat, or thinking my self injuriously or hardly dealt withal therein at Her Majesty's Hands, that I do thankfully imbrace, and frankly with all Humility acknowledge, Her Princely and Gracious Care and Clemency towards me, who having Authority and Power to have us'd greater and sharper Severity against me, and for good Policy and Example thinking it so expedient, hath notwithstanding dealt so mercifully, mildly and gently with me.

My Lords, In this Letter that Archbishop frankly acknowledges that he had given Offence, and was for good Policy and Example justly punish'd by Her Majesty; but had it been known that he was Suspended for not tamely parting with the Revenues of his See, or for pronouncing Sentence in a Court of Justice against an unlawful Marriage, there could have been no reason for him to have acknowledg'd the Justice of his Suspension; neither could it be for good Policy and Example expedient, that he should be punish'd for not alienating the Revenues of his Church, or for not pronouncing *Julio's* Marriage with another Man's Wife lawful.

Mr. Dodd. We shall spend little of your Lordships time in reading to this Head; we shall only read the Toleration Act, to show the Exception in it; and offer the Archbishop's Letter to the Council, and the Queen's Letter to the Bishops: We have the Letters of *Calvin* and *Beza*, but I believe we shall not have occasion to read them, but only the other three. The first is the Act of Toleration.

Clerk

Clark Reads.] Anno Primo Gulielmi & Mariæ. An Act for Exempting their Majesties Protestant Subjects, Dissenting from the Church of England, from the Penalties of certain Laws.

FOrasmuch as some Ease to scrupulous Consciences in the Exercise of Religion may be an effectual means to unite their Majesties Protestant Subjects in Interest and Affection,

Be it Enacted by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons in this present Parliament Assembled, and by the Authority of the same, That neither the Statute made in the three and twentieth Year of the Reign of the late Queen *Elizabeth*, Intituled, *An Act to retain the Queen's Majesty's Subjects in their due Obedience*; Nor the Statute made in the twenty ninth Year of the said Queen, Intituled, *An Act for the more speedy and due Execution of certain Branches of the Statute made in the three and twentieth Year of the Queen's Majesty's Reign, viz. The aforesaid Act*, nor that Branch or Clause of a Statute made in the First Year of the Reign of the said Queen, Intituled, *An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments*; whereby all Persons having no lawful or reasonable Excuse to be absent, are required to resort to their Parish Church or Chappel, or some usual Place where the Common Prayer shall be used, upon pain of Punishment by the Censures of the Church, and also upon pain that every Person so offending shall forfeit for every such Offence twelve Pence; Nor the Statute made in the third Year of the Reign of the late King *James the First*, Intituled, *An Act for the better Discovering and Repressing Popish Recusants*; Nor that other Statute made in the same Year, Intituled, *An Act to prevent and avoid Dangers which may grow by Popish Recusants*; Nor any other Law, or Statute of this Realm made against Papists or Popish Recusants, except the Statute made in the five and twentieth Year of King *Charles the Second*, Intituled, *An Act for preventing Dangers which may happen from Popish Recusants*; and except also the Statute made in the thirtieth Year of the said King *Charles the Second*, Intituled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; shall be construed to extend to any Person or Persons Dissenting from the Church of England, that shall take the Oaths mentioned in a Statute made this present Parliament, Intituled, *An Act for removing and preventing all Questions and Disputes concerning the Assembling and Sitting of this present Parliament*; And shall make and subscribe the Declaration mentioned in a Statute made in the thirtieth Year of the Reign of King *Charles the Second*, Intituled, *An Act to prevent Papists from sitting in either House of Parliament*; Which Oaths and Declaration, the Justices of Peace at the General Sessions of the Peace to be held for the County or Place where such Person shall live, are hereby required to tender and administer to such Persons as shall offer themselves to take, make, and subscribe the same, and thereof to keep a Register: And likewise none of the Persons aforesaid, shall give or pay as any Fee, or Reward to any Officer, or Officers belonging to the Court aforesaid, above the Sum of six Pence, nor that more than once, for his or their Entry of his taking the said Oaths, and making and subscribing the said Declaration; Nor above the further Sum of six Pence for any Certificate of the same to be made out, and Signed by the Officer, or Officers of the said Court.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons already Convicted, or Prosecuted in order to Conviction of Recusancy by Indictment, Information, Action of Debt, or otherwise, grounded upon the aforesaid Statutes, or any of them, that shall take the said Oaths mentioned in the said Statute made this present Parliament, and make and subscribe the Declaration aforesaid, in the Court of Exchequer, or Assizes, or General or Quarter Sessions to be held for the County where such Person lives, and to be thence respectively certified into the Exchequer, shall be thenceforth exempted and discharged from all the Penalties, Seizures, Forfeitures, Judgments and Executions incurred by force of any the aforesaid Statutes, without any Composition, Fee, or further Charge whatsoever.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons that shall as aforesaid, take the said Oaths, and make and subscribe the Declaration aforesaid, shall not be liable to any Pains, Penalties, or Forfeitures mentioned in an Act made in the five and thirtieth Year of the Reign of the late Queen *Elizabeth*, Intituled, *An Act to retain the Queen's Majesty's Subjects in their due Obedience*;

Nor

Nor in an Act made in the two and twentieth Year of the Reign of the late King Charles the Second, Intituled, *An Act to prevent and suppress Seditious Conventicles*; Nor shall any of the said Persons be Prosecuted in any Ecclesiastical Court, for or by reason of their Nonconforming to the Church of England.

Provided always, and be it Enacted by the Authority aforesaid, That if any Assembly of Persons Dissenting from the Church of England shall be had in any place for Religious Worship with the Doors Locked, Barred or Bolted during any time of such meeting together, all and every Person or Persons that shall come to and be at such Meeting, shall not receive any Benefit from this Law, but be liable to all the Pains and Penalties of all the aforesaid Laws recited in this Act for such their Meeting, notwithstanding his taking the Oaths, and his making, and subscribing the Declaration aforesaid.

Provided always, that nothing herein contained shall be construed to exempt any of the Persons aforesaid from paying of Tythes or other Parochial Duties, or any other Duties to the Church or Minister, nor from any Prosecution in any Ecclesiastical Court or elsewhere for the same.

And be it further Enacted by the Authority aforesaid, That if any Person Dissenting from the Church of England, as aforesaid, shall hereafter be chosen or otherwise appointed to bear the Office of High Constable, or Petit Constable, Church-Warden, Overseer of the Poor, or any other Parochial or Ward Office, and such Person shall scruple to take upon him any of the said Offices in regard of the Oaths, or any other Matter or Thing required by the Law to be taken or done in respect of such Office, every such Person shall and may execute such Office or Employment by a sufficient Deputy, by him to be provided, that shall comply with the Laws on this behalf.

Provided always the said Deputy be allowed and approved by such Person or Persons in such manner as such Officer or Officers respectively should by Law have been allowed and approved.

And be it further Enacted by the Authority aforesaid, That no Person Dissenting from the Church of England in Holy Orders, or pretended Holy Orders, or pretending to Holy Orders, nor any Preacher or Teacher of any Congregation of Dissenting Protestants, that shall make and subscribe the Declaration aforesaid, and take the said Oaths at the General or Quarter Sessions of the Peace to be held for the County, Town, Parts or Division where such Person lives, which Court is hereby impowered to Administer the same, and shall also declare his Approbation of, and Subscribe the Articles of Religion mentioned in the Statute made in the thirteenth Year of the Reign of the late Queen Elizabeth, except the thirty fourth, thirty fifth, and thirty sixth, and these words of the twentieth Article, viz. [*The Church hath power to decree Rites or Ceremonies, and Authority in Controversies of Faith, and yet*] shall be liable to any of the Pains or Penalties mentioned in an Act made in the 17th Year of the Reign of King Charles the Second, Intituled, *An Act for Restraining Nonconformists from Inhabiting in Corporations*; Nor the Penalties mentioned in the aforesaid Act made in the two and twentieth Year of his said late Majesty's Reign, for or by reason of such Persons Preaching at any Meeting for the Exercise of Religion; Nor to the Penalty of one hundred Pounds mentioned in an Act made in the Thirteenth and Fourteenth of King Charles the Second, Intituled, *An Act for the Uniformity of Publick Prayers, and Administration of Sacraments, and other Rites and Ceremonies: And for Establishing the Form of Making, Ordaining and Consecrating of Bishops, Priests, and Deacons in the Church of England, for Officiating in any Congregation for the Exercise of Religion permitted and allowed by this Act.*

Provided always, That the making and subscribing the said Declaration, and the taking the said Oaths, and making the Declaration of Approbation and Subscription to the said Articles, in manner as aforesaid, by every respective Person or Persons herein before mentioned, at such General or Quarter Sessions of the Peace, as aforesaid, shall be then and there entred of Record in the said Court, for which six Pence shall be paid to the Clerk of the Peace and no more.

Provided that such Person shall not at any time preach in any Place, but with the Doors not Locked, Barred or Bolted, as aforesaid.

And whereas some Dissenting Protestants scruple the Baptizing of Infants, Be it Enacted by the Authority aforesaid, that every Person in pretended Holy Orders, or pretending to Holy Orders, or Preacher, or Teacher, that shall Subscribe the aforesaid Articles of Religion, except before excepted, and also except part of the seven and twentieth

twentieth Article touching *Infant Baptism*, and shall take the said Oaths and make and subscribe the Declaration aforesaid, in manner aforesaid, every such Person shall enjoy all the Privileges, Benefits and Advantages which any other Dissenting Minister, as aforesaid, might have or enjoy by virtue of this Act.

And be it further Enacted by the Authority aforesaid, That every Teacher or Preacher in Holy Orders, or Pretended Holy Orders, that is a Minister, Preacher or Teacher of a Congregation, that shall take the Oaths herein Required, and make and subscribe the Declaration aforesaid, and also subscribe such of the aforesaid Articles of the Church of England, as are Required by this Act in manner aforesaid, shall be thenceforth Exempted from serving upon any Jury, or from being chosen or appointed to bear the Office of Church-Warden, Overseer of the Poor, or any other Parochial or Ward Office, or other Office in any Hundred of any Shire, City, Town, Parish, Division or Wapentake.

And be it further Enacted by the Authority aforesaid, That every Justice of the Peace, may at any time hereafter Require any Person that goes to any Meeting for Exercise of Religion, to make and subscribe the Declaration aforesaid, and also to take the said Oaths or Declaration of Fidelity herein after mentioned, in case such Person scruples the taking of an Oath, and upon Refusal thereof, such Justice of the Peace is hereby required to commit such Person to Prison without Bail or Mainprize, and to certify the Name of such Person to the next General or Quarter Sessions of the Peace to be held for that County, City, Town, Part or Division where such Person then resides; and if such Person so committed, shall upon a second Tender at the General or Quarter Sessions refuse to make and subscribe the Declaration aforesaid, such Person refusing shall be then and there recorded, and he shall be taken thenceforth to all Intents and Purposes, for a Popish Recusant Convict, and suffer accordingly, and incur all the Penalties and Forfeitures of all the aforesaid Laws.

And whereas there are certain other Persons, Dissenters from the Church of England, who scruple the taking of any Oath, Be it enacted by the Authority aforesaid, That every such Person shall make and subscribe the aforesaid Declaration, and also this Declaration of Fidelity following, viz.

I A. B. Do Sincerely Promise and Solemnly Declare before God and the World, that I will be True and Faithful to King William and Queen Mary; and I do solemnly profess and declare, that I do from my Heart abhor, detest and renounce as impious and heretical, that damnable Doctrine and Position, That Princes Excommunicated or Deprived by the Pope, or any Authority of the See of Rome, may be Deposed or Murthered by their Subjects, or any other whatsoever. And I do declare, that no Foreign Prince, Person, Prelate, State or Potentate hath, or ought to have any Power, Jurisdiction, Superiority, Preeminence or Authority Ecclesiastical or Spiritual within this Realm.

And shall subscribe a Profession of their Christian Belief in these Words,

I A. B. Profess Faith in God the Father, and in Jesus Christ his Eternal Son, the true God, and in the Holy Spirit, one God blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

Which Declarations and Subscription shall be made and entred of Record at the General Quarter Sessions of the Peace for the County, City or Place where every such Person shall then reside. And every such Person that shall make and subscribe the two Declarations and Profession aforesaid, being thereunto required, shall be exempted from all the Pains and Penalties of all and every the aforementioned Statutes made against Popish Recusants, or Protestant Nonconformists, and also from the Penalties of an Act made in the fifth Year of the Reign of the late Queen Elizabeth, Intituled, *An Act for the Assurance of the Queen's Royal Power over all Estates, and Subjects within Her Dominions*; For or by reason of such Persons not taking or refusing to take the Oath mentioned in the said Act; and also from the Penalties of an Act made in the Thirteenth and Fourteenth Years of the Reign of King Charles the Second, Intituled, *An Act for Preventing Mischiefs that may arise by certain Persons, called Quakers, refusing to take Lawful Oaths*; And enjoy all other the Benefits, Privileges and Advantages under the like Limitations, Proviso's, and Conditions which any other Dissenters shall, or ought to enjoy by Virtue of this Act.

Provided

Provided always, and be it Enacted by the Authority aforesaid, That in case any Person shall refuse to take the said Oaths, when tendred to them, which every Justice of the Peace is hereby impowered to do, such Person shall not be admitted to make and subscribe the two Declarations aforesaid, though required thereunto either before any Justice of the Peace, or at the General or Quarter Sessions before or after any Conviction of Popish Recusancy, as aforesaid, unless such Person can within thirty one Days after such Tender of the Declarations to him, produce two sufficient Protestant Witnesses, to testify upon Oath that they believe him to be a Protestant Dissenter, or a Certificate under the Hands of four Protestants who are conformable to the Church of *England*, or have taken the Oaths and subscribed the Declaration above-mentioned, and shall also produce a Certificate under the Hands and Seals of six or more sufficient Men of the Congregation to which he belongs, owning him for one of them.

Provided also, and be it Enacted by the Authority aforesaid, That until such Certificate under the Hands of six of his Congregation, as aforesaid, be produced, and two Protestant Witnesses come to attest his being a Protestant Dissenter, or a Certificate under the Hands of four Protestants, as aforesaid, be produced, the Justice of the Peace shall, and hereby is required to take a Recognizance with two Sureties in the Penal Sum of fifty Pounds, to be levied of his Goods and Chattels, Lands and Tenements, to the Use of the King and Queens Majesties, their Heirs and Successors, for his producing the same, and if he cannot give such Security, to commit him to Prison, there to remain until he has produced such Certificates, or two Witnesses, as aforesaid.

Provided always, and it is the true Intent and Meaning of this Act, That all the Laws made and provided for the frequenting of Divine Service on the Lord's Day, commonly called Sunday, shall be still in Force, and executed against all Persons that offend against the said Laws, except such Persons come to some Congregation or Assembly of Religious Worship, allowed or permitted by this Act.

Provided always, and be it further Enacted by the Authority aforesaid, That neither this Act, nor any Clause, Article, or Thing herein contained, shall extend or be construed to extend to give any Ease, Benefit, or Advantage to any Papist, or Popish Recusant whatsoever, or any Person that shall deny in his Preaching or Writing the Doctrine of the Blessed Trinity, as it is declared in the aforesaid Articles of Religion.

Provided always, and be it Enacted by the Authority aforesaid, That if any Person or Persons at any time or times after the tenth Day of *June*, do and shall willingly and of purpose, maliciously or contemptuously come into any Cathedral or Parish Church, Chappel, or other Congregation permitted by this Act, and disquiet or disturb the same, or misuse any Preacher or Teacher, such Person or Persons upon Proof thereof before any Justice of Peace, by two or more sufficient Witnesses, shall find two Sureties to be bound by Recognizance in the penal Sum of Fifty Pounds, and in Default of such Sureties shall be committed to Prison, there to remain till the next General or Quarter Sessions; And upon Conviction of the said Offence at the said General or Quarter Sessions, shall suffer the Pain and Penalty of Twenty Pounds to the use of the King and Queens Majesties, their Heirs and Successors.

Provided always, That no Congregation or Assembly for Religious Worship, shall be permitted or allowed by this Act, until the place of such Meeting shall be certified to the Bishop of the Diocess, or to the Arch-Deacon of that Arch-Deaconary, or to the Justices of the Peace at the General or Quarter Sessions of the Peace for the County, City, or Place in which such Meeting shall be held, and registred in the said Bishop's, or Arch-Deacon's Court respectively, or recorded at the said General or Quarter Sessions; the Register or Clerk of the Peace whereof respectively is hereby required to register the same, and to give Certificate thereof to such Person as shall demand the same, for which there shall be none greater Fee nor Reward taken than the Sum of Six Pence.

Mr. Dodd. The next is the Queen's Letter to the Bishops; we have it from the *Cotton Library*, and a Person here that has the Custody of it, and proves it a true Copy.

Then

Then Mr. Rawlinson was Sworn.

Mr. Dodd. Pray give my Lords an Account, whether you examined that Paper, and where, and whether it be a true Copy.

Rawlinson. I examin'd it in the *Cotton Library*, and, Errors excepted, I believe it a true Copy.

Mr. Dodd. Do you believe it to be a true Copy?

Rawlinson. Yes, I do believe it.

Clerk reads.] *A Letter from the Quenes Majesty, sent to the Bishoppes through England, for the supplinge of the Exercise called Prophecieing.*

Cotton Library,
Cleopatra. F. 2.
Fol. 287, 288,
289.

RI G H T Reverend Father in God, we greete you well; We hear to our great Griefe, that in sundry Parts of our Realme there are no small Numbers of Persons presuming to be Teachers and Preachers of the Church, though neither lawfull thereunto called, no yet for the same, which contrary to our Laws established for the publique Devine Service of Almighty God, and the Administration of his holie Sacreement within this Church of *England*, doe daillie demise, imagine, propound and put in execution sundrie new Rites and Formes in the Church, as well by their preaching, readings, and ministring the Sacraments, as well by procureing unlawful Assemblies of a great Number of our People out of either their ordinary Parishes, and from Place far distant; and that also of some of good-will, calling (though therein not well advised) to be Hearers of their Disputations, and new devised Opinions upon points of Devinities, farre and unmeete of unlarge People; which manner of Invasions they in some places call Propheciings, and in some other places Exercises. By which manner of Assemblies great Numbers of our People, especially the vulgar sort, meete to be otherwise ouccupied with honest Labour for there Livinge, are brought to Idleness, and seduced, and in a manner schismatically divided amongst themselves into varietie of dangrouse Opinions, not only in Towns and Parishes, but even in some Families; and manifestly thereby encouraged to the Violation of our Law, and to the Breach of common Order, and finalie to the Offence of all our quiett Subjects that desire to server God according to the uniforme Orders off established in the Church, whereof the Sequele cannot be but over-dangerous to be suffered. Wherefore, considering it should be the Duty of the Bishoppes, being the principal ordinary Officers in the Church of God, as you are once, to see this Dishonors against the Honor of God, and the Quietness of the Church reformed: And that we see that by the Increase of these, through Sufferance, greate dangor may ensue even to the decay of the Cristianne Faith, whereof we are by God appointed the Defendor; besides the other Inconveniencies, to the disturbance of our peaceable Government. We therefore, according to Authoritie we have, do Charge and Commaund you, as the Bishopp of that Dyocesle, with all manner of Diligence, to take Order through your Diocesle, as well in places Exempt as otherwise, that no manner of Publique and Devine Service, nor other Form of th'administration of the Holy Sacraments, nor any other Rightes or Ceremonies be in any sort used in the Church, but directlie according to the Orders established by our Laws. Nether that any maner of Person be suffered within your Diocesle to preach, teach, read, or ani exercise any Function in the Church, but such as shall be lawfully Approved and Licensed, as Persons able for their Knowledge, and conformable to the Ministrie in the Rites and Ceremonies of the Church of *England*. And where there shall not be sufficient able Persons for Learning in any Cures to preach or instruct their Cures as were requiset, there shall you lymitte the Curates to read the publique Homlines according to the Injunctions heretofore by us given for like Causes; and furthermore considering, for the great Abuse that have byn in sundrie Places of our Realme, by reason of our forsaide Assemblies called Exercises, and for that the same are not, nor have not been Appointed nor Warranted by us or by our Laws, we Will and straightlie Charge you, that you do charge the same forthwith to cease, and not to be used; but if any shall tempt or

continew

continew or renew the same, we will you not onlie to committe thereunto Prison, as Maynteyners of Disorders, but also to Advertise us or our Counsaile of the Names and Qualities of them, and of their Mayntainers and Abbettors, that theupon for better Example their Punishment may be more sharp for their Reformation: And in these things we charge you to be so careful and villiant, as by your Negligence if we should hear of any Person attempting to send in the Premisses without your Correccion or Information to us, we be not forced to make some Example or Reformation of you, according to your Deserts. *Given under our Signet at our Mannor of Greenwich, the 7th of May, 1577.*

Mr. Phipps. Your Lordships observe, this is a Letter from *Queen Elizabeth* to the Bishops, taking Notice of the Danger that might arise from the Prophefyinges, and directs them to take care to suppress those unlawful Assemblies; and now we will read to your Lordships the Letter from the Archbishop to the Council, wherein he tells them that he could not comply with her Majesty's Command.

Clerk reads.] *To the Lords of the Privy-Council.*

RIGHT Honourable and my singular good Lords, I cannot deny but that I have been commanded both by the Queens Majestie herself, and also by divers of your Honourable Lordships in Her Name, to suppress all those Exercises within my Province, that are commonly called Prophefies; but I do protest before God, the Judge of all Hartes, that I did not of any Stubbornness or Wilfulness refuse to Accomplish the same, but onely upon Conscience; for that I found such kind of Exercise set down in the Holie Scriptures, and the use of the same to have continued in the Primitive Church, and was perswaded that (the Abuses being reformed which I always offered my self ready to Labour in) the said Exercise might yet serve to the great Proffitt of the Church, and feared that the utter suppressing of them would bread Offence, and therefore was a most humble Suter unto Her Majestie, that I might not be made the cheife Instrument in suppressing the same: Yet not prejudicing or condemning any that in respect of Pollicie or otherwise, should be of contrary Judgment, or being of Authority, should suppress them: For I know right well, that there be some things of that Nature, wherein diverse Men maye be of diverse Opinions, and abownd in their owne Sense (being not repugnant to the Analogie of Faith) without any Prejudice to their Salvation, or any Prejudice of either to other. Notwithstanding howsoever others being otherwise perswaded, may safely do yt; yet I thought it not safe for me (being so perswaded in Minde) to be the Doer of that whereof my own Heart and Conscience would condemne me. And whereas I have susteyned the restraint of my Libertie, and Sequestration of my Jurisdiction nowe by the space of six Monethes, I am so farre from repininge thereat, or thinkinge my self injuriously or hardlie dealt withal therein at Her Majesties Hands, that I doe thankfully Embrace, and franklie, with all Humilitie, acknowledge her Princely, Gracious, and Rare Clemencie towards me, who having Authoritie and Power to have used greater and sharper Severitie againste me, and for good Pollicie and Example thinking it so expedient, hath notwithstanding dealt so mercifullie, myldelye, and gentlie with me. But the greatest Griefe that ever I had or have, is the Loss of Her Majesties Favour, and the susteyninge of the Displeasure of so gracious a Sovereaigne, by whom the Church and Realme of *Englande* hath ben so longe and so happilie Governed; and by whom my selfe privatelie and speciallie above other Subjects have received so many and so great Benefitts above all my Deservings, for the recovery of whole gracious Favour I most humbly beseech your Lordships to be a meanes to Her Majestie for me: The which obteyned, I shall esteeme far above all worldly Benefitts whatsoever. And I protest here before God and your Honours, that not onely my dewtifull and humble Obedience to Her Majestie shall be suche, as She shall have no Cause to Repente Her of Her graciouse Goodness and Clemencie shewed unto me; but also that by moste fervente, heartie, and dailie Prayer (as I have done hitherto) so I will contynew, accordinge to my bowden Dewtie, to make moste earnest Sute unto Almighty God for the longe Preservation of Her Majesties most happie Raigne, to the unspeakable Benefitt of the Church and Realm of *England*, &c.

27 November, 1577.

EDM. CANTUAR.

Mr.

Mr. Dodd. We hope these two Letters have set that Matter in a true Light, that the Reason of the Archbishop's Disgrace was for not complying with the Commands of the Queen. We will add no more upon this Article, but proceed to the Third.

Mr. Phipps. My Lords, the Dates of these Letters are material, for your Lordships take Notice they were written in the Year 1577; and Her Majesty's Commands for suppressing the Prophecying not being obey'd, the Puritans in few Years became so dangerous, that the Parliament was necessitated to make the Act of the 35th Year of Her Reign (with those severe Penalties which have been so much Censured by one of the Learned Managers) to give a Check to them.

Mr. Dodd. **M**Y Lords, The third Article that the Doctor is charged with is, that he does suggest and assert, that the Church of England is in a Condition of great Peril and Adversity under Her Majesty's Administration; and that, in order to arraign and blacken the Vote or Resolution of both Houses of Parliament, approved by Her Majesty, he, in opposition thereto, does suggest the Church to be in Danger. And, my Lords, this we take the liberty totally to deny; the Doctor asserts no such thing in his Sermon, nor hath it, (as we apprehend) been proved upon him.

But true it is that he asserts, that when National Sins are ripened to Maturity, with other Immoralities and Irreligious Practices therein mentioned, then such a People and Church are in very great danger, as we apprehend, from the Sins and Vices of wicked Men. My Lords, this we conceive no ways to be opposite to the Votes of the Two Houses of Parliament, nor to Her Majesty's Declaration; we think we have followed the Act of Parliament of 9 and 10 of King *William* for suppressing Blasphemy and Profaneness, and other Acts of Parliament, in asserting this matter. It must be agreed, that the Church, as a Church Militant, is always in danger, 'till it is a Church Triumphant: It is always taken notice so to be, she has many Enemies, she ought to be always upon her Guard and Watch, and all good People ought to pray for her Support; the Prayers directed by Her Majesty to be used, and that are used in all Churches, are, *That no Sedition may disturb the State, nor Schism distract this Church;* and that we all ought to lay it to Heart how great Dangers we are in by our unhappy Divisions: These are the Prayers that are put up every day in the Churches. Now to object from this, that we look on the Church to be in Danger under

der Her Majesty's Administration, is so directly contrary to what the Doctor has asserted in his Sermon, wherein he does, as a good and loyal Subject, pray, and pray heartily for the best of Queens, *that she may long live for the Comfort and Support of this Church and Nation* ; after this one would think, when he has so positively laid it down in plain words, there could be no ground to quarrel with him on this Head : And as to that which was urged by one of the Gentlemen Managers for the House of Commons, observing that the Doctor's Expressions were taken out of the *Lamentations*, and that when the *Lamentations* were written, the King was a Prisoner, and the People in Captivity, and therefore the Doctor intended the Parallel to answer the present Times : Surely no such Inference can be drawn from these Passages. I hope the People are in no Captivity whatsoever ; nor is our Queen (blessed be God) a Prisoner : And if it was intended by the Gentleman Manager, (as I suppose it was) that the Doctor herein meant the Pretender ; the Doctor utterly denies it, and has all along disclaimed his Right, and asserted Her Majesty's Right in very express Terms : But in this Place cited by the Doctor, is represented the Prophet's Lamentation for the Sins of the People, and the Judgments that had overtaken the *Jews* for their Sins and Rebellion. The like Prayers may be observed to have been made by King *David*, and yet the Church of the *Jews* was in the greatest Prosperity in his Time ; however, there is scarce a Psalm but he laments the Sins of the People, for fear least they should bring down Judgments on the *Jewish* Church and State. This is Pathetically expressed almost throughout all the Psalms.

As to the Allegation, That the Members of both Houses were Conspiring the Ruin of the Church, he totally denies it, nor has the Doctor in all his Sermon mentioned the Votes of the Two Houses ; therefore for the Article to charge the Doctor with asserting *that the Members of both Houses, who past the Vote relating to the Danger of the Church, were Conspiring her Ruin when they Voted her out of Danger*, is a mistaken Fact. That Vote was almost four Years ago : There could be no Reason to think he reflected on that Vote, nor is there any thing that can induce your Lordships (as we humbly apprehend) in the Doctor's Sermon, to believe such a Charge. The Passage in the Doctor's Sermon relates to the Wars in the late Times. And as in those Days there were many ill Men, and God permitted them to bring their ill Designs about ; so it is plain, that there were many good Men innocent, as my Lord *Clarendon* expresses

presses it, that had no such ill Designs. Now, when your Lordships and the Commons pass'd that Vote, no doubt it was a just Vote, and gave a great Satisfaction; but no Body could expect that Passage to be turned on the Doctor as a Reflection on your Lordships, the Commons, and Her Majesty, in relation to that Vote; but what he Reflects upon is quite another thing: He takes Notice that the Church is in Danger from evil Men, from evil Practices, and evil Books that are daily Publish'd. We hope your Lordships will not take it, that when we urge this we intend to Reflect either on the Pastors of the Church, or the Ministry of the Queen, for it would be hard that they should be answerable for all those Pamphlets: But when such are Publish'd to poison the Notions of the People, and a Minister in the Pulpit takes Notice of them to prevent the ill Consequences of them, whether this can have such a Construction as has been contended for, we may safely submit to your Lordships. The now asserting the Christian Faith to be in Danger by Vice and Irreligion, cannot be contrary to the Votes in the Articles alledged, nor affect him, who makes the Assertion, with any Crime, or (as we think) subject him to any Punishment.

My Lords, We shall be the shorter in opening this Article, because we fear we shall be very long in our Evidence upon this Head; we shall produce and give in Evidence several Books that daily come out, which contain the highest Blasphemy, Irreligion and Heresy that can be publish'd. I will not take upon me to open them, they are so horrid I leave the Passages to be read, that your Lordships may see what Grounds there are for a Preacher in the Pulpit to take Notice of these Matters. When the Church is run down, the Clergy vilified, when they tell us a Grey Coat has as much Authority to Administer the Sacrament as a Black Coat, and that a Country-man may make as good a Priest as the Parson of the Parish; these things may excuse the Zeal of the Doctor, in so warmly Reprehending them.

We shall read abundance of this sort of Learning, and we shall do it only, to shew that there was Reason for the Doctor in the Pulpit to forewarn the People, to caution them that they may not have ill Impressions made upon them, by such wicked and scurrilous Writings. We shall humbly offer our Evidence to your Lordships, and then submit this Article.

Mr. Phipps. **M**Y Lords, I am now to speak to the Third Article, exhibited by the Commons of Great Britain against Doctor Sacheverell: And I humbly beg your Lordships Patience, while I take Notice of the several Branches of this Article, and shew your Lordships, that the Doctor is not guilty of any Offence therein charged.

As to such Part of this Article, as Charges the Doctor, *That he doth falsely and seditiously Suggest and Assert, that the Church of England is in a Condition of great Peril and Adversity under Her Majesty's Administration; and that, to arraign and blacken the Vote and Resolution of both Houses of Parliament, approv'd by Her Majesty, he, in Opposition thereto, doth suggest the Church to be in Danger.*

I beg leave to take Notice, that the First Part of the Fourth Article Explains this Branch of the Third Article, and shews what the Commons meant by the Church being in Danger under Her Majesty's Administration: For, the First Part of the Fourth Article says, *That the Doctor suggests, that Her Majesty's Administration, in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; so that by Charging that the Doctor Asserts the Church is in Danger under Her Majesty's Administration, it must be intended that he Asserts the Church to be in Danger, by reason of Her Majesty's Administration: And therefore, if there be any Expression in the Doctor's Sermon which Suggests the Church to be in Danger, yet if it be not also therein Asserted that the Danger proceeds from Her Majesty's Administration, the Doctor cannot be an Offender within the Meaning and Intention of this Article: And the Doctor denies, that he hath Asserted any Thing in his Sermon, from whence any such Suggestions can be inferred.*

To give your Lordships full Satisfaction in this Point, I shall first take Notice of the several Clauses in the Doctor's Sermon at St. Paul's, which have been Cited to make good this Article:

The first Passage quoted for this Purpose, is in Page the 5th, where the Doctor thus Expresseth himself: *I shall take the Expression in its full Latitude, without confining it to the express Design of the Place, though it were very Obvious to draw a Parallel here betwixt the sad Circumstances of the Church of Corinth formerly, and of the Church of England at present; wherein her Holy Communion has been rent, and divided by Faction and Schismatical Impostors; her Pure Doctrine has been corrupted and defil'd; her Primitive Worship and Discipline*

cipline prophan'd and abus'd ; her Sacred Orders deny'd and villify'd ; her Priests and Professors (like St. Paul) calumniated, misrepresented and ridicul'd ; her Altars and Sacraments, prostituted to Hypocrites, Deists, Socinians and Atheists ; and this done, I wish I could not say, without Discouragement, I am sure with Impunity ; not only by our profess'd Enemies, but, which is worse, by our pretended Friends and False Brethren.

This is the Passage which is chiefly insisted on to make good this Branch of the Article. My Lords, Is there not too much Truth in this Clause ? Hath not the Communion of the Church been rent and divided by some Factious and Schismatical Teachers in Separate Congregations, who have no Orders at all ; and by others, who refuse to take the Oaths, and will not comply with the Act of Toleration ; by Popish Priests, who have drawn away Persons from our Communion to their Church ? Have not her Sacred Orders been deny'd and villify'd by the Papists, who pretend, Archbishop *Parker* was Consecrated at the *Nags-Head* ? Are not her Altars and Sacraments prostituted to Atheists, Deists and Socinians, who Communicate to Qualifie themselves for Offices and Places of Trust ; and yet, is there any thing in this Clause can Support this Article ? Are these Evils charg'd upon Her Majesty, or is it Asserted, that these Mischiefs are owing to, or proceed from, Her Majesty's Administration ?

The next Paragraph cited to maintain this Article, is in the 14th Page, where the Doctor says, *In short, as the English Government can never be Secure on any other Principles, but strictly those of the Church of England, so I will be bold to say, where any Part of it is trusted in Persons of any other Notions, they must be false to themselves, if they are true to their Trusts ; or if they are true to their Opinions and Interest, must betray that Government they are Enemies to upon Principle. Indeed, we must do them that Justice, to confess, That since the Sectarists have found a way (which their Forefathers, God knows, as wicked as they were, would have abhor'd) to swallow not only Oaths, but Sacraments, to Qualifie themselves to get into Places and Preferments ; these sanctified Hypocrites can put on a shew of Loyalty, and seem tolerably Easie in the Government, if they can engross the Honours and Profits of it : But, let Her Majesty reach out Her little Finger to touch their Loins, and these Sworn Adversaries to Passive Obedience, and the Royal Family, shall fret themselves, and Curse their Queen and their God, and shall look upwards.*

Here is not one Word of the Church being in Danger by Her Majesty's Administration: He only shews the Danger the *English* Government may be in by Occasional Conformists put into Offices and Places of Trust. For, Occasional Conformists, who are Dissenters, Republicans, Atheists and Deists, that Communicate only to Qualifie themselves for Places, if they are true to their Opinions, cannot be true to the Church of *England* in which they Communicate, cannot be true to the Government by which they are entrusted in such Offices; for they will be always promoting their own Principles in Religion, and their own Forms of Government in the State.

Both Lords and Commons were of Opinion, it was not Safe to trust Occasional Conformists with the Guardianship of our Church or Crown, when they agreed to the Bill for preventing Occasional Conformity, which Enacts, *That if any Person, who had any Office Civil or Military, or any Command or Place of Trust under Her Majesty, or if any Person bearing any Office of Magistracy, or Place of Trust in Corporations, who by the Laws are obliged to receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of England, should after their Admission into their respective Offices, and during their Continuance in such Offices, resort unto any Conventicle, Assembly or Meeting, under Colour or Pretence of any Exercise of Religion, in any other Manner than according to the Liturgy and Practice of the Church of England, they should, being Convicted thereof, be disabled from henceforth to hold such Office or Offices.* Tho' this was never Enacted into a Law, yet, as it was the Opinion of both Houses of Parliament, I beg leave to offer it as a Reason, to Confirm what the Doctor hath Asserted.

My Lords, I shall trouble your Lordships only with one Passage more, which was urg'd to prove this Article, which is in Page the 15th, where the Doctor hath these Words, *To lay before you the great Peril and Mischiefs of these False Brethren in Church and State; which I shall endeavour to do, by proving that they weaken, undermine, and betray in themselves, and encourage, and put it into the Power of our profess'd Enemies, to overturn and destroy the Constitution and Establishment of both.* These False Brethren are the Occasional Conformists mentioned in the Page preceding.

I heartily wish, that all who Communicate in the Church, were true Sons of the Church; but if, as the Doctor suggests, there are any that Communicate at her Altars, who disown her Mission, who refuse to comply with her Liturgy, and are Enemies to her Constitution; if Arians, Socinians,

nians, Deists, and almost all Dissenters, and other Enemies to the Church, Communicate with her to get Places and Preferments in Church and State, what Prejudice the Church may receive from such False Brethren, I submit to your Lordship's Judgment; begging leave only to offer to your Lordships, what was said by the Commons at a Conference with your Lordships, upon the Bill for preventing Occasional Conformity, and which, I hope, in an Impeachment by the Commons, will have some Weight with your Lordships.

The Commons upon that Conference were pleased to take Notice, " That when the Corporation Act was made, the
 " Parliament had fresh in their Minds the Confusions and
 " Calamities that had been brought upon the Nation, by
 " such as pretended to be at the same time in the true
 " Interest of Religion and their Country. That the Parliament by that Act, and afterwards by the Test Act, thought they had secured our Establishment both in Church and State; and that they had provided a sufficient Barrier to defeat and disappoint any Attempts upon them, by Enacting, *That all in Office should receive the Sacrament of the Lord's Supper, according to the Rights and Usage of the Church of England*; and never imagin'd a Set of Men would rise up, whose Consciences were too tender to Obey the Laws, but harden'd enough to break through any.

Thus, my Lords, having shewn that the Passages Cited by the Managers do not maintain this Article, and that the Doctor hath not Asserted the Church to be in Danger by Her Majesty's Administration: I will next shew, from what Causes the Doctor doth suggest the Danger of the Church to arise; and of these Schism is one.

That Schism may distract the Church, a Prayer lately added to our Liturgy tells us; That Separation from the Establish'd Church, which imposeth no Sinful Terms of Communion, is Schism, all the Learned Men of our Church agree; and that there are many People in this Nation that are Guilty of Schism, I think no Body will deny; And altho' it cannot be imagin'd, nor is it asserted by the Doctor, that such Schism should grow to such a Head as to endanger the Church, during Her Majesty's happy Administration; yet, what ill Consequence it may be to the Church in another Age, no Body can pretend to know, tho' every Body may have too much Reason to fear.

So, my Lords, when Men attack the Articles of our Religion and our Homilies, and represent them as Spurious; when they call the Doctrine of Non-Resistance and Passive Obedience a Blasphemous Doctrine, what Influence that may have hereafter upon our Government both in Church and State, your Lordships are the best Judges.

I submit to your Lordships, if the Queen can be Safe, when it shall be aver'd in Print, that there is one on the other side of the Water that is a *Jure Divino* King, and hath an Hereditary Right. Can the Queen or Church be Safe, when all the whole Administration is villify'd and abus'd, as it is in the *Observer* in this Manner? Country-man asks the Question, *Have you any more Knaves to talk of?* Obs. *Honest Country-man, what would you have me to do? If I must run through all the Lists of Knaves, I must bring in all the Courts, all the Employments, all the Classes of Publick Affairs in the Nation.*

Can the Queen be Safe, when the Murther of King Charles the First is justify'd in Print, by the *Review* and *Observer*? When the *Wet Martyrdom* of King Charles the First, and *Dry Martyrdom* of King James the Second are said to be all one, and no difference between them? I say, how can Her Majesty be Safe, when such Rebellious Principles are so publickly avow'd? And if Her Majesty be in Danger, can the Church be Safe?

All Learned Men that understand our Constitution have always agreed, that there is such a near Relation between the Church and Monarchy, such a Dependence of one upon the other, that where one falls, the other cannot stand.

Can either Church or Queen be safe, when so great and necessary a Part of our Constitution, our Parliament, is struck at? When it shall be said *that the Members sit in the House to do nothing, making long Speeches without Meaning, and Voting Bills without design to have them pass?* And when such Rebellious Principles are broached, as I mentioned to your Lordships upon Friday last out of the *Review*, to shew the Necessity of preaching the Doctrine of Passive Obedience, viz. *If the next Parliament should prove like this, the Nation will be so much nearer that Crisis of Time, when English Liberty, being brought to the last Extremity, must open the Magazine of Original Power?* These are some of the Things alledged by the Doctor to be Dangerous to the Church and State.

But

But the chief Causes from whence the Doctor Suggests the Danger of our Church and State to proceed, are Atheism, Prophaneness, and Immorality; for he thus expresses himself, pag. 20. *What reason have we to think but that the National Sins are ripen'd up to a full Maturity to call down Vengeance from Providence on a Church and Kingdom thus debauch'd in its Principles, and corrupted in its Manners, and instead of the true Faith, Discipline and Worship, given over to all Licentiousness both in Opinion and Practice; to all Sensuality, Hypocrisie, Lewdness and Atheism?*

From these Sins it is he apprehends the Church and Nation to be in Danger; and what Judgments have been brought down upon Kingdoms and Nations for these Sins, we have multitudes of Instances, both in sacred and other Histories; sometimes they have been deprived of the true Worship of God, and overwhelm'd with Idolatry and Mahometanism: Is not the Name of Christ forgot in the Place of his miraculous Birth? And is not the Light of the Gospel totally extinguish'd where it at first so gloriously shin'd? And by what means? By Infidelity, Prophaneness and Immorality; and may not the same Causes produce the same Effects?

Can *England* be always secure from such Judgments, when some amongst us scarce own the first Person of the Trinity, by whom they were created? But many have the Boldness to deny the Divinity of the second Person, by whom they were redeemed, and many other such Blasphemies and Atheistical Notions are daily propagated and spread abroad among us, of which I shall beg your Lordships Permission to cite some few Instances; of those, many we shall offer to your Consideration, in the Course of our Evidence; and they are such as I hardly dare name, and as your Lordships will scarce bear to hear.

There is a Treatise call'd *A brief but clear Confutation of the Doctrine of the Trinity*. Page the 9th it says, *The Divinity attributed to the Son and Holy Ghost is unscriptural and idolatrous*; Page the 14th, *To be short, Trinitarianism is Polytheism and Idolatry, if there be any such Thing in Nature*.

And a Book called *Brief Notes on the Creed of Athenasius*, speaking of the Trinity and Incarnation, says, *A Belief in these Points is in no Degree necessary, much less necessary before all Things*.

The *Account of the Growth of Deism*, Page 17, says, *Many Doctrines are made necessary to Salvation, which it is impossible to believe, because they are in their Nature Absurdities*. Idem, p. 22. *One of my Old Acquaintance always thought*

the Moral Part of the Bible very good; but he also thought that by the Strength of his own Reason, he could have writ as good a Moral himself.

These are Sins of a very deep Dye, and may justly draw down very heavy Judgments; and altho' we are very well assured, that the Piety of Her Majesty alone is sufficient to avert those Judgments that are due to such Crimes during her own Life; and altho' we are sure, that by Her Majesty's Care, and the Vigilance of Her Ministers, those Sins will not grow to such a Head during Her Majesty's Life, as to endanger the Church and State, yet (if not prevented) they may take such Root now, as may hereafter endanger the State, the Church, and even Christianity it self: For as among Men, *Nemo Repente fuit turpissimus*, so Heresies and Schisms in the Church, Factious and Seditious Principles in the State, are not invented and arrive to the Height at once, but steal by Degrees into the Church and State: And therefore, as in the Body Natural, so in the Body Politick, we must meet the Disease, and prevent the spreading of its Contagion: And one of the best Methods to do it, is by our Ministers shewing the Heinousness of these Crimes, and the dangerous Consequences that attend them. And we submit it to your Lordships, whether the Doctor hath any otherwise asserted the Church to be in Danger, than what may happen to her as the Consequences of such Sins; and whether he any where avers the Church to be in Danger by or under Her Majesty's Administration.

As to the Votes of both Houses, we dare not presume to say how far they were design'd to extend: But I humbly submit to your Lordships Consideration, whether the Vote of both Houses in 1705, did relate only to such Suggestions and Insinuations of the Church's Danger, as should be made about that Time, or some short Time after; or whether it was intended to have a Prospect, and relate to what should be suggested four Years after; whereas it was impossible for the Wit of Man to foresee what should happen in so long a Time.

We were then, as we are now, engaged in a War with a powerful Enemy; a Pretender, supported by that Enemy, and who, since that Vote attempted to invade these Kingdoms, if that Army of the *French* had been successful in *Flanders*, and the Advantage of the War had turn'd on their side; and if the Pretender had landed with such a successful and powerful Army of *French* Papists in *Great Britain*, I believe it would have been impossible to have made the

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Generality of the People avoid thinking both Church and State too in Danger under those Circumstances.

To conclude this Branch, If there be any thing in his Sermon, from whence it can be inferr'd that he suggests the Church to be in Danger, yet if it be not suggested to be by Reason of Her Majesty's Administration; and if it was not done with a wicked, malicious and seditious Intent to defame Her Majesty's Administration, and to contradict and arraign the Resolutions of both Houses of Parliament; and unless such Intention plainly appears, without Innuendo's, he cannot be guilty within the Intent of this Article.

And as to so much of the third Article, which chargeth that *the Doctor, as a Parallel, mentions a Vote that the Person of King Charles the First was voted to be out of Danger, at the same time that his Murderers were conspiring his Death, thereby wickedly and maliciously insinuating, that the Members of both Houses who pass'd the said Vote were then conspiring the Ruin of the Church*; I cannot give a better Answer than the Doctor himself hath given to it, viz.

1. That he doth not draw any Parallel between the Vote concerning the King's Person, and the Vote of the two Houses.

2. That he does not in his Sermon mention the Vote of the two Houses.

3. That if he had mentioned it, he would not thereby wickedly and maliciously have insinuated that the Members of both Houses, who pass'd that Vote, were then conspiring the Ruin of the Church; but would have insinuated, that as some Persons were conspiring the Murder of the King, whilst others, no way privy to their wicked Intentions, voted his Person to be out of Danger; so when the two Houses voted the Church to be in no Danger under Her Majesty's Administration, there might be some others who were conspiring the Ruin of the Church, and many others, who by their Vice and Infidelity were drawing down God's Vengeance both on Church and State.

Mr. Dee. **M**AY it please your Lordships to indulge me a little upon this Article, and I beg leave to make a Distinction, as on the last Article, that is, that these Words, *Danger of the Church*, seem in the Articles to bear one Sense, and in the Doctor's Sermon another. The Danger suggested in the Article, is a Danger under Her Majesty's Administration; I must beg leave to

to say, these Words were put in, to insinuate, that the Doctor does in his Sermon urge the Danger of the Church to arise from Her Majesty's Administration, which, I think, is not to be found there; and if they were omitted, then it will stand only thus, That the Doctor doth affirm that the Church of *England* is under great Peril and Adversity; and if so, I hope, the Assertion is not Criminal. I can't, by all the Observation I have made on the Doctor's Sermon, find, that the Doctor suggests that there is any form'd Body of Men conspiring to overthrow the Church: but the Doctor says that there are such Men that are False Brethren that endanger the Doctrines and Discipline of the Church. That there is some sort of Danger, appears by the Form of Prayer that is daily offer'd up for her Safety, and therefore a general Suggestion of Danger would not have answer'd the End of the Commons to make the Doctor Criminal, without adding the Words *under Her Majesty's Administration*; and if they can shew that the Doctor in any Part of his Sermon has charg'd the Queen with such Administration as endangers the Church, I am sure I should be very much to blame to appear for him at this Bar; but the contrary, I think, appears, when he Prays for Her Life, with these Words added, *for the Comfort and Support of this Church and Nation*.

My Lords, I shall say no more to that Part of the Article, it having been fully spoken to already, but beg leave to take Notice, that the Managers for the House of Commons have been pleased to say, That the Doctor has reflected upon the Resolutions of both Houses of Parliament, by drawing a Parallel between the Vote relating to the Murder of King *Charles*, and the Vote of the Two Houses that the Church was not in Danger. My Lords, To make a Parallel there must be Two Lines, a Line first given to draw the Parallel Line to; and I beg leave to say, that in the Doctor's Sermon there is no such first Line given, for he has not in all his Sermon taken Notice of any Vote of both Houses. If he has not taken Notice of this Resolution of both Houses in his Sermon, the Law will not imply that he had any Notice of it. For Votes are private Resolutions of the Houses, and always were so 'till of late they have been publish'd in Print, and the Printing of them will not infer that he had Notice of them. The Doctor's Distinction in his Answer is very true and plain, that he doth not charge the Persons concern'd in passing that Vote with being concern'd in that odious and execrable Design of carrying on the Murder of that Royal Prince; (and I hope Charity will
carry

carry us so far as to think that very many Persons that join'd in that Vote were not concern'd in it) but that yet at the same time they pass'd that Vote, that bloody Design was carry'd on by a private Junctō of Blood-thirsty Men.

My Lords, I do not admit, but supposing I should admit the Doctor hath Contradicted the Resolutions of both Houses, I submit it to your Lordships what Crime the contradicting a Vote of the House of Commons, or the Resolution of both Houses, is. The contradicting a known establish'd Law may be Seditious; but I submit it whether a Vote is so publick an Act, that contradicting it, at least without taking Notice of it, be any Crime, or at least be so high a Crime as to deserve a Censure. It is very certain he may be thought Saucy and Unmannerly to do it, or it may be a Breach of Privilege; but whether your Lordships will interpret it to be a Crime, and such a Crime as will bear an Impeachment for High Crimes and Misdemeanors, I submit to your Lordships.

My Lords, We humbly hope, that notwithstanding any thing yet offer'd against the Doctor, that your Lordships will be of Opinion, that the acquitting the Doctor of this Impeachment will be a noble and convincing Proof of the undoubted Truth of that Vote, That the Church of *England*, (of which the Doctor is a true, though an unfortunate Son, whilst under a Charge by the Commons of *Great Britain* for High Crimes) under Her Majesty's Administration, is in a safe and flourishing Condition.

Dr. *Henchman*. **M**Y Lords, We are now upon the Third Article of Impeachment, in which Doctor *Sacheverell* is charg'd with [*falsly and seditiously suggesting and asserting, That the Church of England is in a Condition of great Peril and Adversity under Her Majesty's Administration.*] If by these Words, under Her Majesty's Administration, your Lordships are to understand By the Course and Tendency of Her Majesty's Administration, that Charge we positively deny, and humbly assure our selves that the Learned Managers have not been able to maintain it, either from the general Scope and Design of the whole Sermon, or from any particular Passages contain'd in it.

If by those Words, under Her Majesty's Administration, is to be understood only During the Time of Her Majesty's Administration, then we apprehend that there may be Perils under Her Majesty's Administration, which do no ways proceed from such Her Administration, and which may be men-

mention'd without any Seditious Thought or Intention of reflecting upon Her Majesty's happy Administration.

If your Lordships look thro' the whole Sermon, it will appear, that he who now stands accused for casting this foul Asperſion upon Her Majesty, never once mentions Her throughout this whole Discourse, but in Terms full of the profoundest Respect and Reverence: In the very beginning of this Sermon, in the second Page, this is reckon'd as one chief Part of that Day's Deliverance, which he was then solemnizing, *That this good and pious Relick of the Royal Family ſits now happily upon the Throne of Her great Anceſtors.* In the 19th Page we find him with an honest and hearty Zeal asserting Her Majesty's Right to the Throne, and praying God to bless Her in it; and within a few Lines he again repeats that Prayer, *That God would long preſerve Her on that Throne,* for this very remarkable Reason, *because She is the Comfort and Support of the Eſtabliſh'd Church.*

Is this, my Lords, the Language of one that would suggest and assert, that very Church to be in a Condition of great Peril and Adverſity from Her Majesty's Administration? Or can your Lordships presume, that any one can ſo far prevaricate with God and Man, as openly to thank God for the peculiar Happineſs that we now enjoy by Her Majesty's ſitting on the Throne of Her Anceſtors, and to beſeech him long to preſerve Her there for the Support and Comfort of the Eſtabliſh'd Church, and yet assert, that that Church is in great Adverſity under, that is from, Her Majesty's Administration.

In this Caſe your Lordships will ſuffer me to ſhew what those Perils are which the Church is ſaid to be in, in this Discourse, and how they do not proceed from Her Majesty's Administration.

The Dangers ſpoken of in this Sermon are either ſuch as ariſe from the Infidelity and Prophaneneſs, the Vice and Immorality of the Age, or elſe ſuch as always have attended the Chriſtian Church from her firſt Foundation, and always will attend her whilſt ſhe continues Militant upon Earth.

cc That there are Dangers ariſing to the Church from Infidelity and Prophaneneſs, is already, I doubt, too evident from thoſe Authors I mention'd under the ſecond Article, and from what the Gentlemen, who have ſpoke before me, have obſerv'd upon this: If it yet wants a Confirmation, we ſhall beg leave to lay before your Lordships a black Catalogue of Prophaneneſs and Blaſphemy, not fit to be heard more than once.

As to the Dangers proceeding from Vice and Immorality, the Laws of the Land, and the many Proclamations issued out by Royal Authority upon that occasion, are an undeniable Evidence of the growing Danger to the Church on that Head, and of Her Majesty's special Care to suppress and prevent that Danger: In the close of those Proclamations Her Majesty declares Her Royal Resolution to punish all manner of Vice, Immorality and Prophaneness in Persons of all Degrees whatsoever, and particularly in such as are near Her Royal Person; and these Proclamations are ordered to be read by all Ministers in their respective Congregations at least four times in every Year, and they are directed to incite and stir up their Congregations to the Practice of Piety and Virtue, and the avoiding all Immorality and Prophaneness: My Lords, hard is the Fate of Ministers, if they must reprove Prophaneness in Men of all degrees under Her Majesty's Displeasure, and yet if they once happen to mention Men of Characters and Stations in their publick Discourses, that too must be made one Part of an Impeachment against him.

My Lords, It was said indeed by a learned Manager, that the Pulpit was not a proper Place for Complaints of this Nature; that these things ought not to be spoken of in Publick, unless they could be prov'd; and if they could be prov'd, those that are known to be guilty should be prosecuted in a due course of Law. But, my Lords, I humbly apprehend it to be the Duty of a Minister of the Gospel *to be instant in season, and out of season; to exhort and rebuke with all Authority*, and without Distinction; this their Holy Function obliges them to do, and the Dignity of that Function does and ought to protect them in the Performance of that Duty; but that Ministers should be oblig'd to Prosecute every Offender in a Court of Justice, is not yet known to be any part of their Office; and he that at any time should take that part upon him, would hardly avoid that Imputation which many People are ready to lay upon the whole Profession.

In the next place, your Lordships will consider whether the Dangers mention'd in this Sermon are not such as have in all Ages, and under the best Princes, infested the Church.

I appeal to the Reverend Bench of Bishops, whether even in the Apostles time there were not *Men of unstable Minds* crept in among them, some *carried about with every wind of Doctrine, deceiving and being deceiv'd*, others *teaching for Doctrines the Traditions of Men*; and whether in the immediate succeeding

ing Ages the Church was not miserably rent and divided by Factious and Schismatical Impostors: Their Lordships well know that the Pious Care of Christian Emperors was not able to prevent the spreading of old Errors, and the continual springing up of new ones; neither has Her Majesty's peculiar Piety and Zeal prevented many Instances of Prophaneness and Irreligion under Her happy Administration; but certainly no Inference ought to be made from an Historical Account, or bare Mention of such like Perils of the Church, as if that was intended to arraign the Administration of those Princes in whose times they happen'd.

cc My Lords, That there are such Dangers attending the Church, even under Her Majesty's happy Administration, needs no other Evidence than that Form of Prayer which is by Her Majesty's Authority directed to be used in all Churches, in which we beseech God, *that no Sedition may disturb this State, nor Schism distract this Church; and that he would give us all Grace seriously to lay to Heart the great Danger we are in by our unhappy Divisions.* My Lords, this Prayer is enjoyn'd to be used by publick Authority, and particularly mentions the great Danger of the Church, in being at this time distracted with Schism; and I must submit it to your Lordships Consideration, how hard it is that a Minister may not from his Pulpit mention those Dangers without Offence, which he is specially commanded to pray against in his Desk.

Mr. Dodd. We shall beg leave to produce several Books, wherein there are the strangest Opinions that perhaps your Lordships ever heard of; and we shall first confine ourselves to them which relate to Blasphemy, Irreligion and Heresie, which we confess are not pleasant to be heard, or fit to be publish'd, if it were not absolutely Necessary for the Doctor's Defence.

Mr. Phipps. My Lords, We begin with some Miscellaneous Tracts publish'd by *Mr. Edmond Hickerlingill*: And we offer them first to your Lordship's Consideration, because he was a False Brother; and we think his Tracts will justify the Doctor in what he hath said in relation to the Church being in Danger, from the Blasphemy and other enormous Crimes mention'd in his Sermon.

Mr. Dee. It's in Page 12.

Clerk reads.] The second Pretender to Infallibility is the Bible: and that I ad- *Part I.*
mit too, so soon as 'tis agreed which Chapter and Verse is God's Word, and *p. 12.*
which not, and why. ——— For as for some Verses and Clauses in the Holy
Bible, the very Penmen thereof did not sometimes know very well whether the
same were the Dictates of the Spirit of God, or no. ——— Sometimes they
write ——— *Thus saith the Lord* ——— and not I, but the Lord Commands.
So and so: And then again in a Qualm or Quandary, modestly pretend to guess-
sing: *I think also, says St. Paul, that I have the Spirit of God.*

Mr. Thompson. My Lords, Upon what is offered to
be given in Evidence, the Managers apprehend there is
something that will require their Consideration, and
they desire to withdraw.

*Accordingly the Managers withdrew, and then the Lords
adjourned to their House above; and in a short time
their Lordships being returned, and seated as before,
and the Managers being returned to the Place appoint-
ed for them at their Lordships Bar, Proclamation for
Silence was made by the Serjeant at Arms.*

Mr. Thompson. My Lords, The Managers have consi-
der'd the Nature of the Evidence open'd by the Council,
and without troubling your Lordships to observe how
immaterial it is for the Prisoner's Defence, submit it to
your Lordships, whether such Impious and Blasphemous
Passages as the Council were asham'd to repeat, shall be
republish'd in so solemn a manner, by reading them in E-
vidence before your Lordships.

Lord Chancellor. Gentlemen, You that are of Coun-
cil for the Doctor may proceed in your Evidence, as you
shall think proper.

Mr. Dodd. My Lords, We must own there are a mul-
titude of Sentences never to be repeated, if it were not
necessary for our Defence; but we think it so material
for the Doctor's Defence, that we dare not depart from
it without your Lordships Order.

Mr. Phipps. My Lords, The Reason that Learned 22
Gentleman gave against reading them, is the very Rea-
son we offer for reading them; for the Doctor ascribes
the Danger of the Church to those Blasphemies and im-
pious Doctrines and Tenets, that are so frequently pub-
lish'd, and which call for God's Judgments on the
Nation.

Mr. Dee. My Lords, We desire he may read in the ,
same Book he was reading before.

Clerk reads.] For Sabbathising. The Sabbath, Oh the Sabbath ——— called *Ibid. p. 17.*
by the cunning Priest-craft, not by the Holy Scripture, the Lord's Day, to re-
commend it the better to the unthinking Mob. ——— Of all the other seven
Days the Priest's best Market-Day to put off his Wares, and turn them into Money.
Family

Ibid p. 21. Family Duties are the next plausible Piece of Priest-craft Divinity, I mean praying with the Family, (not that I Condemn it) tho' our Blessed Saviour seems to Condemn it by his Practice and Preaching.

Ibid p. 23. Saying Grace, an universally cry'd up piece of Divinity, Superstition, or Priest-craft; for we never read that Christ or his Apostles said Grace, either before Meat, or after Meat.

Ibid p. 50. King *Saul* found to his cost, that he had better have displeased all *Israel*, than *Samuel* the good High-Priest; and had better have rent the Cloaths off from his own Back, than have rent *Samuel's* Cassock ——— It fretted the good Old Gentleman; and in a Passion he said, *God hath rent from thee the Kingdom also, and hath given it to thy Neighbour that is better than thou.*

Ibid p. 51. Then the Lord answer'd, *Take an Heifer with thee, and say I am come to do Sacrifice to the Lord*: The Policy of Heaven, we see, jumps with our late Priest-craft in this, to make Religion the common Covert to hide a Plot.

Ibid p. 52, 53. His Kingdom, which was given to *David*, because he was a Man after God's own Heart, (not in Holiness, that is not meant, for besides his Adultery and Murder, his many other Sins, and cursing his Enemies to the Pit of Hell, is unaccountable) but after God's own Heart is a Hebraism, and in *English* signifies as much as a Man for my turn, he will Kill and Slay as the Priest directs, by Orders receiv'd from Heaven; he will fulfil all my Will, saith the High-Priest.

Ib. Part 2. p. 4. I can by no means perceive that this Commission to Teach, Baptize, Excommunicate, or Absolve, does properly or more appertain to a Grey Fryar, or any Black Coat, more than to a Grey Coat or Layman.

Ibid p. 14. To say, the Use (being for God's Service) Sanctifies it: So may a Meeting-House, a Tabernacle, or my Dining-Room be Consecrated, when we pray and preach there, or say Grace there, *pro hac vice*; and *vice versa*, it is unconsecrated when Dinner-time comes, or the Punch-Bowl.

Mr. Dee. The Rights of the Christian Church is the next Book we shall offer to your Lordships.

P. 105. Clerk Reads.] At the close of the Supper, the great Meal with them, the Master of the Feast distributed among his Guests small pieces of Bread; and having first drank of the Grace-Cup, deliver'd it to be handed about: To which Christ, who Instituted no new Rites, superadded the Remembrance of his Sufferings; and directs his Disciples, as often as they did this, that is, Celebrate such Festivals, and close them with the *Post-cœnium*, to Commemorate him after this manner.

Ib. p. 108. Does not every one, as well as the Minister, equally apply the Bread and Wine to the same Holy and Spiritual Use, in Commemorating the Benefits received by our Saviour, and in offering up the same Prayers, and desiring the same Blessings? And whoever does this with a due Application of Mind, rightly Consecrates the Elements for himself, since this is the only Consecration they are capable of: Any thing further than this may rather be called Conjuraton than Consecration.

Mr. Dee. The next Book we offer to your Lordships; is *Blount's Oracles of Reason.*

Preface p. 3. Clerk Reads.] Reason is able to furnish us with enough to make us happy, and that is as much as we need care for.

Ib. p. 165. When he made his Cavalcade upon an *Asinago*, they extoll'd him as the Descendant of King *David*; but his untimely Apprehension and Death, together with his Neglect to improve the Inclination of the People to make him King, did allay the Affections of the *Jews* towards him.

Ibid p. 49. It seems a very cruel and very hard thing in this respect, that God should be said to have tormented, nay, and ruin'd Mankind, for so small a Fault, and that too committed thro' the Levity of a Woman's Mind.

Mr. Phipps. The next is *Dr. Burnet's Archaeologia Sacra.*

Clerk Reads] *Id utique videtur gravissimum, & asperissimum in hac Narratione, P. 296. quod Gentem humanam plexisse, imo perdidisse dicatur Deus ob rem exiguam, & famulantis Ingenii levitate perpetrata.*

Mr. Phipps. The next is, *An Account of the Growth of Deism.*

Clerk Reads] But since the Gospel Simplicity has been worn off, the Priests of P. 191. all Churches have agreed, first, That it is necessary for all Christian People to 192, 193. Communicate at the Lord's Table, Secondly, That this Sacrament cannot be rightly Celebrated without the Assistance of a Priest, who must Consecrate the Elements to the use for which they are designed; whereby the Priest is made absolutely necessary to the very Being of the Sacrament. The Priest also making himself Judge of every ones Preparation for this Sacrament, has it in his Power to admit to a Participation whom he thinks fit; as likewise to exclude whom he pleases from this necessary Means of Salvation: And hereby he is enabled to make his Terms with the People, who must be contented to save their Souls upon what Conditions he will admit. No wonder then, that so great a noise has been made concerning this Sacred Commemorative Repast. That Christian Communion which you read of as practised in the Apostles Days, was nothing else but a Religious Conversation of Christians one amongst another. 'Twas for Society-sake that they went from House to House, that they eat and drank together frequently——Now it's plain, that this sort of Religious Conversation may be kept up among Christians without either Priest or Altar, or any set Form of Prayer, or Praise. It was long after the Apostles were dead and buried, before the Temples were built, and Altars erected, or set Orations were made to the People in Churches. And what if you should further consider, if there be any part of this Primitive Church-Communion that might not have been performed by a Woman as well as a Man——When the Primitive Christians met together to break Bread, from House to House, had any of these Women craved a Blessing on that Bread, we have no reason to doubt but that God would have heard her Prayer.

Mr. Phipps. The next is, *A Letter concerning Enthusiasm.*

Clerk Reads] Is the doing good for Glory's sake so Divine a thing? Or is it P. 59. not diviner to do good even where it may be thought inglorious. even to the ungrateful, and to those who are insensible of the good they receive? How comes it then, that what is so divine in us should lose its Character in the Divine Being? And that, according as the Deity is represented to us, he should more resemble the Weak, Womanish, and Impotent Part of our Nature, than the Generous, Manly and Divine?

One would think it were easie to understand, that Provocation and Offence, *Ibid. p. 60.* Anger, Revenge, Jealousie in point of Honour, or Power, love of Fame, Glory and the like, belong only to limited Beings, and are necessarily excluded a Being which is perfect and universal.

It is Malice only, and not Goodness, that can make us afraid. *Ibid. p. 61.*

So that we have only to consider, whether there be such a thing as a Mind *Ibid. p. 62.* that has relation to the whole, or not: For if there be no Mind, we may comfort our selves however, that Nature has no Malice.

For no Body trembles to think that there should be no God, but that there *Ibid. p. 63.* should be one.

I am not a Divine good enough to resolve what Spirit that was which proved *Ibid. p. 64.* so catching among the ancient Prophets, that even the Prophane Saul was taken by it.

Mr. Phipps. The next is, *A Brief but Clear Confutation of the Doctrine of the Trinity.*

Clerk Reads.] The Divinity attributed to the Son and Holy Ghost, is unscriptural and Idolatrous. P. 1.

This one Fundamental false Principle, as well with Jews and Turks, as Heathens, has done more Mischief to Christianity than all our other Errors besides. *Ibid. p. 19.*

Ibid p.11. For my part, I declare I shall never more admire at the Absurdity of either Papists, Turks or Heathens; be they as gross as they will, I am sure they will never be able to exceed this Doctrine.

Ibid p.14. To be short, Trinitarianism is Polytheism, and Idolatry; if there be any such thing in Nature.

Revelat. 17. 5. *And upon her Forehead was a Name written, Mystery, Babylon the Great; the Mother of Harlots, and the Abominations of the Earth.* And to what, I pray, in Popery, can that Word *Mystery* there so properly relate, as to the Trinity?

Mr. Phipps. The next is, *Brief Notes on the Creed of Athanasius.*

P. 7. *Clerk Reads.*] A Belief in these Points, that have been always controverted in the Churches of God, is in no degree necessary, much less necessary before all things.

And now I appeal to all Men that have any Freedom of Judgment remaining; whether this Creed is fit to be retain'd in any Christian, much less Protestant and Reform'd Church? since it subverts the Foundations, not only of Christianity, but of all Religion, that is to say, Reason and Revelation.

Mr. Dee. There is a Book mark'd with the Letter L, call'd, *An Account of the Growth of Deism.*

P. 17. *Clerk Reads.*] Many Doctrines are made necessary to Salvation, which it's impossible to believe, because they are in their Nature Absurdities. I reply'd, that these things were Mysteries, and so above our Understanding. But he ask'd me, to what end could an unintelligible Doctrine be revealed? Not to instruct, but to puzzle and amuse.

Ibid p.22. One of my old Acquaintance always thought the moral part of the Bible very good, but then he also thought that by the Strength of his own Reason he could have written as good a Moral himself.

Ibid p.24. If you look over the State of Religion, as it standeth in *Christendom*, there is no Church whatsoever which will accept you as a Member of its Communion, but upon some particular Terms of Belief, or Practice, which Christ never appointed, and it may be such as an honest and wise Christian cannot consent to ——— It looks like a Trick in all Churches to take away the use of Mens Reason, that they may render us Vassals and Slaves to all their Dictates and Commands. But what greater Slavery than to force on Men a Belief of such things as necessary to Salvation, of which it's not possible to form an Idea? Though I am satisfied there is no such Thing as a Change of Bread into the Flesh of Christ, yet I can form an Idea that such a Thing may be, that the same Power that changed Earth into a Man may change Bread into Flesh; but I can frame to my self no Idea of what your Church teacheth in the Sacrament, *That the Body and Blood of Christ are verily and indeed taken and receiv'd of the Faithful:* And when I ask, how can this be Understood by a Protestant who believeth that there is no other Body but that of Bread? I am told that the Church means it in a Spiritual Sense. Now I have try'd, and find it impossible for me to form to my self an Idea of a Body verily and indeed in a Spiritual Sense.

Ibid p.25. Your Church will require me to believe other Absurdities as bad as these; as that Kings and Bishops have a Divine Right to that Power which they exercise over us; whereas with my own Eyes, I saw our great and gracious King accept the Crown of *England* as the Gift of the People. And I see as plainly that Bishops are an Order of Men of their own (not of Christ's) making.

Ibid p.26. I can find no Footsteps of any Jurisdiction given to the Twelve over the Seventy, or indeed over any Body else.

Mr. Dee. The next is *The History of Religion.*

Pag. 310. *Clerk Reads.*] Strange and puzzling Methods of religious Ceremonies and Mysteries, and of various Rights of sacrificing, good for nothing but to confound and distract the Minds of Men.

Ib p. 312. In very deed, Creeds were the Spiritual Revenges of Dissenting Parties upon one another.

Mr. Dodd. The next is *Asgyl's* Argument:

Clerk Reads.] God told *Adam*, that if he did eat he should die; the Devil *Pag. 36.*
told *Eve*, that they might eat and not die; and these were the first Words
spoken to Man by God, or the Devil; upon the Truth or Falshood whereof, the
very Beings of them both were to depend for ever: For which ever of them
could maintain the Truth of his Word against the other, he must have been
God, and the other the Devil. And therefore God, having turn'd the Lie upon
the Devil, he is from thence call'd a Liar from the Beginning, and the Father of
it, and will never be believed again for ever. God could not have dispensed with
his Word, without complementing the Devil with his Godhead.

What is it that you do, or would believe of Christ, or in Christ? *Answ.* Why, *Ibid. p. 83.*
we believe him for our Saviour. Save you! from what? Why, from our Sins.
Why, what Hurt will Sin do you? Why, it will kill us. How do you know?
Why, the Law of God saith so. *In the Day thou eatest thereof thou shalt die.*
Why, but then will not this Saviour save you from this Law, and from this
Death? No, he'll save us from Sin. Why, then it seems you have got a Pardon
for Horse-Stealing with a *Non-Obstante* to be hanged. Do but see now what a Jest
you have made of your Faith. And yet I defie the Order of Priesthood to form a
better Creed than this, without admitting the Truth of my Argument, or to make
Sense of their own Faith without adding mine to it. It's much easier to make a
Creed, than to believe it after it's made: Nor can any Man really believe any
Part of the Gospel that doth not believe it at all. For it is a Doctrine so depen-
dant upon it self, that unless we know the whole of it from the Beginning to the
End, we can't know the Use and Reason of any Part of it. Wherefore (not-
withstanding this Innundation of Death in the World, and the Infection of
Fear contracted upon Man from hence) I am not affrighted from re-assuming
my Assertion at the Beginning, That this long Possession of Death over Man, is
a Possession against Right.

Behold, ye Despisers, and wonder! Wonder at what? Wonder to see Paradise *Ibid. p. 97.*
Lost, with the Tree of Life in the midst of it! Wonder and curse at *Adam* for
an Original Fact, who in the Length of one Day, never so much as thought to
put forth his Hand for him, and us, and pull, and eat, and live for ever. Wonder
at, and damn your selves for Fools of the last Impression, that in the Space of
1700 Years, never so much as thought to put forth our Hands every one for him-
self, and seal and execute the Covenant of Eternal Life, and live for ever.

To be even with the World at once, he that wonders at my Faith, I wonder *Ibid. p. 98.*
at his Unbelief. And stare at me as long as you will, I am sure that neither my
Physiognomy, Sins, nor Misfortunes, can make me look so unlikely to be transla-
ted, as my Redeemer was to be hanged.

Mr. Dee. The next is a Book call'd, *Christianity not*
Mysterious.

Clerk Reads.] God himself, nor any of his Attributes are Mysteries to us for *Pag. 89.*
want of an adequate Idea: no not Eternity.

As far as any Church allows of Mysteries, so far it is Antichristian, and may *Ib. p. 107.*
with a great deal of Justice, though little Honour, claim Kindred with the Scar-
let Whore.

For to speak freely, Contradiction and Mystery are but two Emphatick Ways *Ib. p. 134.*
of saying nothing.

Contradiction expresses nothing by a couple of Idea's that destroy one another,
and Mystery expresses nothing by Words that have no Idea's at all.

It will not be amiss to lay down a short Parallel of the ancient Heathen, and *Ib. p. 156.*
new coin'd Christian Mysteries. And I shall endeavour so to do it, as to make it
evident they were one in Nature, however different in their Subjects.

Mr. Dee. The next is Sermons and Essays of *Mr. Whi-*
ston's.

Clerk Reads.] When the Scriptures speak of the one God, or of one God, they *Pag. 213.*
plainly and distinctly mean, one Original Fountain and Author of all Beings what-
soever; or mean thereby one Supream God, the Father only.

*Let it become a new, proverbial Jest,
To be as wicked as an English Priest.*

*Ib. Vol. 3.
Numb. 27.
p. 106.*

I cannot but tell him, should I publish the Matters of Fact which I am Master of, with Respect to the High-flying Gentlemen of the Clergy; should I give a faithful Account of the most Infamous and Scandalous Behaviour, the Notorious Lives, the Beastly Excesses, and the furious Treatment of their Brethren the Dissenters, which on a small search I have been acquainted with; the Inferior Clergy of his Party would appear the most wretched, provoking, abominable Crew, that ever God suffered to live unpunished, since he destroyed Sodom and Gomorrah by Fire from Heaven.

*Ibid.
Numb. 27 p. 107*

If Words could be made Treason, one third at least of the Inferior Clergy in England would be hang'd.

Ibid. Vol. 2. Numb. 105. p. 418.

I again Appeal to you, Gentlemen, Whether, generally speaking, all over this unhappy Nation, the Clergy are not, three Parts in five, in a close Conjunction with the Enemies of the Church's Peace, and the profess'd Enemies of the Government?

Ibid. Vol. 2. Numb. 105. p. 418.

Others, not so directly, but altogether as fatally, and tending to the same End, with subtle Designs to divide and amuse the People, by Preaching, Writing, and Printing, endeavour to revive the said exploded Doctrines of Non-Resistance, and absolute uncondition'd Obedience, as things the People of England ought to think themselves oblig'd by; which tho' in themselves of no force, yet manifestly tend to unravel the Constitution, to invalidate the Queen's Title to the Crown, and destroy the Legal Authority of Parliaments in the Nation. An eminent Proof of which is now depending before the House.

Ibid. Vol. 2. Numb. 36 p. 42. Ib. Vol. 6. Numb. 118. p. 471.

Drunkenness, Oaths, and abominable Lewdness, Ignorance, Negligence, and scandalous Insufficiency; abhor'd Error, Deism and Socinianism, have over-run the Clergy.

Ib. Numb. 93. p. 371

You know the Church he means is High-Church, which is a Fiction, a Church of the Brain, supported by a little, insignificant, trifling Number of Brainless People; and the People of England are no more concern'd about that Church, than about the Institutions of Government laid down in *Moor's Utopia*, *Harrington's Oceana*, or *Bacon's New Atlantis*; and all the Canons, Rites and Ceremonies of that Church are no more to be consider'd by you, or me, than so many Ballads, or *Duck-lane Penny Histories*.

*Observa-
tor, Vol. 4.
Numb. 89.*

The Universities have large Endowments, which I fancy may be better employed for the publick Good than at present. Let you and I Vote them useless.

Ib. Numb. 67.

Country-M. With all my Heart, Master.

Mr. Dodd. My Lords, The next thing we shall go upon, is to shew several Passages which reflect upon the Queen, the State, and Ministry; there are five or six Instances which we shall read, and then we shall have done.

Clerk reads. In short, if *Jure Divino* comes upon the Stage, the Queen has no Review, more Title to the Crown than my Lord Mayor's Horse; all the People are bound by the Laws of God to Depose her as an Usurper, and restore their Rightful and Lawful King James the Third.

Vol. 2. Numb. 80 p. 319.

The Line of all the World fam'd for Blood, and that had ravag'd the best Families of the Kingdom.

Ib. Vol. 3. Numb. 122. p.]

Ever since the coming of King James the First to the Crown, this Nation has been perplex'd with Divisions, Uneasinesses, Oppressions and Murmurings both in Sovereign and Subject.

486.

Either the Dissenters had Reason for former Discontents, and Reason to complain of Oppression, Persecution and Infringement of Privileges, or they had not. If they had; the Church was cruel, and the State unjust before, in laying those Loads upon them. If they had not; both Church and State were infatuated and delirious, in granting them the Toleration and Liberties since conceded.

Ib. Vol. 2. Numb. 43 p. 170. Ib. Numb. 44 p. 174.

Ib. Numb. 46. p. 181 If the next Parliament should pursue the Steps of the last, the Nation, in my Opinion, will be so much nearer that Crisis of Time, when *English Liberty* being brought to the last Extremity must open the Magazine of Original Power.

Ib. Numb. 27. p. 166 What can be said for Members sitting in the House to do nothing, making long Speeches without Meaning, and Voting Bills without design to have 'em pass?

Ib. Numb. 123. p. 489. The Ballance between 41 and 88 will appear to run against him; and the Difference between the dry Martyrdom of King *James*, by his Passive Obedience Church-Subjects, and the wet Martyrdom of King *Charles* the First, by People that never made any such Pretence, will appear so small, that it's not worth Dr. D——'s while to meddle with it.

Observa- *Country-M.* Pray, Sir, are there a great many of those People alive that cut off the Head of King *Charles* the First?

2. Numb. 89. *Obs.* No, no; they are dead and gone a long time ago. However the Story serves some Men as Raw-head and Bloody-bones, to affrighten some, and calumniate others. Now, for my part, I know nothing of the Business of King *Charles* I. I was born since the Restoration, and I have so high a value for the Prudence and Justice of our Forefathers, as not to condemn any of their Actions for the common Good. We are unkind to our selves in censuring the Justice of our Forefathers Actions, and thereby do give a Handle to our Successors to censure ours. Did our Forefathers derruncate the Father? Did not we depose the Son, and put one more Righteous in his stead? Did we not divest him of all his Regalities, and make him a Fugitive on the Earth? And may not future Ages examine the Difference between the Decollation and the Abdication?

Ib. Vol. 4. *Numb.* 97 I recite this to let you know the Encouragement the Papists have had in this Reign; when by their Interest they can get such as write against them Prosecuted, &c.

Ibid. Should I tell you, honest Countryman, the Accounts I have had of the Numbers of Popish Priests and Emissaries come into *England* the first two Years of Her Majesty's Reign; it would make your Hair stand on End.

Ib. Vol. 3. *Numb.* 15 They would have but a Gory Foot-Soldier of the *Observator*——And yet I have been where those People that would send me durst not come, and where perhaps I have commanded better Men than themselves. It has been my Fortune to be in a fighting Army, under a General that we now dearly want; who did not use to return from the War, *sine Clade Victor*; and then ride in Triumph over his Queen on a Medal.

Ib. Vol. 3. *Numb.* 99 I am sorry that the Folly of some, and the Bribery of others, have brought us into such amazing and dismal Circumstances that either our Liberties must be lost, or be maintain'd by a Body that is neither of us, nor from us.

Ibid. I shall produce my self as an Example of the Arbitrary Power of this Parliament; and the Man that does not acknowledge their Proceeding against me to be Arbitrary, must assert, that an Arbitrary Power was never executed.

Ibid. Now if this be't Arbitrary, I don't know what to call so. The *Spanish* Inquisitors have so much Regard to Justice, or the Shew of it at least, that they'll suffer a Man to speak in his own behalf, &c.——Now, Country-man, do but consider my Case; I was sentenc'd to the Loss of my Liberty without being heard.

Ibid. Which plainly shews that what the Commons condemn'd me for would not bear an Action at Law.

Ibid. My Intent is to inform such as you, honest *Roger*, how much you have been abused by your Representatives.

Ibid. This Parliament is the very Reverse of former Parliaments; as they were merciful, this was cruel; as they made good and wholesome Laws to preserve the Liberties of their Electors, these took away the Freedom of their Electors without any Law; as they us'd all Means to keep their Electors out of Jail, these used all Means to put 'em into Jail.

Ib. Vol. 2. *Numb.* 99 *Obs.* Honest Countryman, what wou'dst thou have me do? If I must run thro' all the List of Knaves, I must bring in all the Courts, all the Employments, all the Classes of publick Affairs in the Nation.

I really find the State of *England* in general to be thus. Its Trade under a *Review*, sensible miserable Decay in all its Branches — Its Navy great and flourishing, *Vol. 2.* but all her well-laid Designs either defeated in their Preparations, by the miser- *Numb. 2.* able Methods, and ill Government, with relation to Seamen, or disappointed by *p. 5.* the ill Conduct or Cowardice of her Commanders. In civil Concerns, in the utmost Confusions of Parties — blending together the most absurd Contradictions, such as propagating Religion by a scandalous Ministry — reforming Manners by debauched Magistrates, and chusing Men to make Laws, by Bribery and Corruption.

Mr. Phipps. My Lords, We shall offer but one Passage more, and that is out of *The Divine Rights of the British Nation vindicated.*

Clerk Reads.] And if he will but stay till the End of this present Session of *Pag. 105* Parliament, he'll find several new Powers annex'd to the Regal Office, and perhaps some made void and repeal'd for the publick Good.

Mr. Dodd. My Lords, We have now done with our Proofs; we have gone over the Heads of Blasphemy, Irreligion and Heresie; the Church reflected on; the Queen, Ministry, and all Orders of Men reflected upon and abused: We have cited these Books and Passages not to reflect on the Government, but as those which put the Doctor in some Heat and Concern both for the Church and State, and we hope your Lordships will make the best Construction of the Doctor's Intentions in this Matter.

Mr. Phipps. If Blasphemy and Irreligion can endanger the Church, if Treason and Rebellion can endanger the Nation, I think, with great Submission, the Doctor has made good his Answer, and therefore I hope he is not guilty of any Part of this Article.

Mr. Dee. My Lords, I beg leave that we may apply some part of the Proofs we have read to Day to the Fourth Article.

Mr. Phipps. My Lords, The other Article, I fear, will be longer than will be fit to trouble your Lordships with now; we shall be ready to proceed when it is your Lordships Pleasure.

Then the Lords Adjourned to their House above.

Tuesday, March 7. The Eighth Day.

TH E Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sachevell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before.

Lord Chancellor. Gentlemen, you that are Council for the Prisoner, may proceed in his Defence.

Mr. Dodd. **I**F your Lordships please, we will proceed to the Fourth Article. That Article contains several Heads, 1. *That the Doctor suggests, Her Majesty's Administration tends to the Destruction of the Constitution.* 2. *That there are Men of Characters and Stations in Church and State, who are False Brethren, who undermine and betray, and put in the Power of others to overturn and destroy the Constitution.* 3. *That the Doctor charges Her Majesty, and those in Authority under Her, with a general Male-Administration.* 4. *That he persuades the Subjects to keep up a Distinction of Faction and Parties, instills Jealousies, foment Divisions, and stirs up the Subjects to Arms, and perverts several Texts of Scripture.*

My Lords, As to the first, the Doctor is so far from suggesting, that Her Majesty's Administration tends to the Destruction of the Constitution, that he has not, as we apprehend, said any Thing that can bear such a Construction. The Doctor denies that he has made any Mention of Her Majesty's Administration in Church or State in his Sermon; therefore how can he argue, that it tends to the Destruction of the Constitution? It has not been proved. But he takes all Opportunities to speak of the Blessings we enjoy under Her Majesty's Government, prays for Her Preservation, and that She may long Reign for the Comfort and Support of the Church; professes what he spoke proceeded from a tender Concern for Her Majesty and Her Government: So that we humbly apprehend there was little Occasion for such a Charge against him.

The

The second Part of the Article is, That there are False Brethren that are Men of Character and Station in Church and State who undermine and betray, and put it in the Power of others to overturn and destroy the Constitution. Now the False Brethren by him described, are Persons who propagate false Doctrines, who give up the Discipline and Worship of the Church, who are for Neutrality in Religion, or who wish well to the Church, but do not shew their Zeal in obeying her Precepts, and defending her Rights. These are the False Brethren intended, and this is very different from the Allegation in the Impeachment. As to that Part of the Charge of putting it in the Power of others to destroy the Constitution, he does not mention Men of Characters and Stations in this Place; but, as I take it, in Page 15, where this Passage is supposed to be contained, and yet it is twelve Pages after before those Words are mentioned. They are not joined together, as is supposed by the Article, and speak nothing of that Matter; it is a Conjunction of Passages widely different from, and not relating to one another. The Betrayers of the Constitution, to whom the Doctor does refer, are such as by Writing endeavour to subvert the Foundation of our Church and State, such as are of a Latitudinarian Principle, *who neither believe her Faith, own her Mission, submit to her Discipline, or comply with her Liturgy.* My Lords, These are the Heads, and Persons, that the Doctor refers to, and not such Persons or Things as are pretended by the Article.

As to a general Male-Administration under Her Majesty, he abhors the Charge, has no where said it. Always as a good Subject, mentioned Her Majesty with the profoundest Duty and Respect, nor does he tax any in Authority with a Male-Administration; and surely it is sufficient to Charge the Doctor, as if he had fallen foul on the Ministry, when there is no Proof of it, and when there is no Passage in his Sermon, as we apprehend, that tends to it. The Doctor has on all occasions, as a good Subject, justified Her Majesty's Title; and particularly at the Beginning of this War, he preached a Sermon at Oxford before the University, therein justifying Her Majesty's Title to the Crown, and Her entring into the War against France and Spain, wherein he has very clearly demonstrated these two Points. And as to the Charge of endeavouring to keep up Distinction of Parties, he is so far from it, that he complains of those that have divided us with a Distinction of High and Low Churchmen, *they have villainously divided us with knavish Distinctions:* and what could he mean by all

all this, but a Service to the Government, and that they which raise such false Insinuations, such Fears and Jealousies, are the People he intended and complains of? And as he has done that, so he takes all Opportunities to pray that we may be one Fold, under one Shepherd, and that all invidious Distinctions might be laid aside.

My Lords, The next thing is, the raising these groundless Fears and Jealousies that are suggested. As to that, the Passage we read before is quite opposite; the Doctor rebukes them that do it as ill Christians, and ill Subjects, and earnestly sets forth the Mischief of them. He is so far from encouraging it, that he has upon several Occasions severely censured it. And as to stirring up Her Majesty's Subjects to Arms and Violence, he abhors it, and throughout his Sermon asserts the Doctrine of Non-Resistance, which is quite contrary to this part of the Charge, altho' he conceives it to be the Ground of the Impeachment; sure there is not any one Passage that tends to excite the Subjects to Arms, in his Sermons.

My Lords, There was Notice taken of a Passage (that has little in it) exciting Christians to put on the whole Armour of God; But sure that is distinguish'd from the Arms of Flesh and Blood; It cannot be so misinterpreted as to be understood of any earthly Power whatsoever: For as it is in the Scripture, so it is in the Doctor's Sermon, *the whole Armour of God; Patience, Submission, &c.* This is the Armour he excites Christians to put on, nothing of fleshly Arms.

As to the Charge of perverting several Texts of Scripture to make ill Impressions on the People, he denies it, and had no ill Impression to make on any Person whatsoever: His Work was to do good, and make good and religious Impressions on his Hearers. But he thinks it hard when he cites Texts of Scripture against Vice and Immorality, by a Construction in Prejudice of the Preacher, those Texts should be said to be applied to particular Persons. The Story of the Prophet in the 2d of *Kings*, chap. 6. as printed in the Doctor's Sermon is mistaken; but the two Reflections made upon it are very unnatural, and not credible. The first Inference was, that he had it by Hearsay, and that he had not read it. Sure your Lordships cannot think, but that he, that is a Doctor of Divinity, has read every Chapter in the Bible; he that has been a Student in the University of twenty Years standing and more, and constantly keeping to the Church, certainly none can think, but he has read the Bible. But then it is turned the other way upon him; that,

that, taking it to be so, then he represents himself to be the Prophet that could see the Danger, and makes the Lords and Commons the People that were blind.

My Lords, This, I suppose, was intended to be wittily said; but if it be seriously, and without Raillery considered, there is no Wit or Sense in it. He mentions not the Lords and Commons at all; but true it is, he, as a Preacher, warns the People to have their Eyes open to see the Dangers of Sin and Vice; so that we apprehend there is no Ground from that Passage to charge the Doctor with corrupting the Scripture.

My Lords, The next Text that is quoted against the Doctor upon this Head, is, *Blow the Trumpet in Sion, sound an Alarm*. Now it is urged by the Gentlemen Managers, That this can be for nothing but for War, and this it's pretended was only to be done in time of War, when the Priests with the Silver Trumpets were to sound to Battle. But, my Lords, this cannot have that Construction; for whoever looks into the Scripture, particularly into the Prophet *Joel*, and other Places, where that Expression is used, will find it is to proclaim a Fast: They were to blow the Trumpet, to signify the Generality, and that all should take Notice of it. The Allusion is carried by an Elegancy to the Trumpet, to shew the Generality of it, and that all the People should humble themselves before the Lord. Now to make this Sedition, to infer it to be to excite the People to War and Rebellion, is not right Reasoning, nor is there the least Colour for it.

Another Quotation he takes is much pressed upon the Doctor, where speaking of the Church, he cites that Passage out of the *Lamentations*; *her Adversaries are chief, and her Enemies at present prosper*. This is press'd upon us, as if the Doctor had an Eye in it on the Ministry. But this we think is straining the Words beyond their Sense or Meaning; for, first, he does not say her Adversaries are the chiefest, but in the lowest Degree of Comparison her Adversaries are chief; that is, that amongst her Adversaries there are some considerable Persons, some Men of Estates and Figure. And this, I think, appeared Yesterday in the Pamphlets that were read, some whereof are supposed to be wrote by no mean Persons; the Doctor cites the Words of Scripture, and we think it can have no ill Construction. As to the second Part of the Expression, *Her Enemies at present Prosper*, they are the Words of the Prophet, and how true in the present Case we must submit to your Lordships, upon what has been already offered, whether any ill Construction can, or ought to be made
of

of them. Neither the first nor second Part of these Words are determined to any particular Persons; we cite the Words themselves, they are not determined to any Person whatsoever, and so we hope no Offence can be taken at them, nor any such Inference drawn from them, as hath been endeavoured to be represented to your Lordships. The Doctor declares in his Sermon, as we formerly mentioned, and read to your Lordships, that he hoped what he had spoken would be without any Offence, as it proceeded from an honest and good Intention, and a tender Concern for Her Majesty's Person and Government, and an hearty Zeal for the Honour and Safety of our excellent Church and Constitution: And so we hope your Lordships will construe and intend it. And so we submit this Article, and the Doctor's Defence, with all Humility, to your Lordships. We shall read no more than two or three Proclamations; the First is against Vice and Immorality, and to stir up Magistrates to take care to execute the Laws. A Second takes Notice that Her Majesty's Commands had not been obeyed, nor the Laws executed to suppress Vice, and commands the Magistrates to be careful to do their Duty herein: And, Thirdly, a Direction that this Proclamation shall be read to the People out of the Desk. And sure the reading them there, and preaching them, or the subject Matter of them, in the Pulpit, are consistent together.

Mr. Phipps. MY Lords, We are now humbly to offer to your Lordships Consideration, our Answer to the fourth and last Article of the Impeachment, to which we think there is no Necessity of giving any Answer, because we humbly apprehend there is not any Offence charg'd upon the Doctor in that Article; for the Article saith, that *the Doctor doth falsely and maliciously suggest, &c.* Now to suggest can amount to no more than to insinuate, and is far short of an Averment or Assertion; and whether a bare Suggestion or Insinuation can be a sufficient Foundation to ground an Impeachment, is humbly submitted to your Lordships. But since 'tis made an Article against the Doctor, we humbly hope we shall give as full an Answer to the Suggestions and Insinuations contain'd in that Article, as we have to the Offences charged in either of the other Articles.

The first Part of the Article saith, *That the Doctor doth falsely and maliciously suggest, that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction* of

of the Constitution. In Answer to which 'tis humbly offer'd, That the Doctor doth not any where mention Her Majesty's Administration, either in Ecclesiastical or Civil Affairs. He esteems it one of the greatest Blessings and Deliverances, That Her Majesty now happily sits on the Throne of Her Ancestors; he prays, that God would long preserve Her, for the Comfort and Support of the Church; he professeth, That what he spake proceeded from a tender Concern for Her Majesty and Her Government, and an hearty Zeal for the Honour and Safety of our excellent Church and Constitution; he solemnly declares, That his only Aim and Intention was earnestly to contend for the Safety, Rights and Establishment of Her Majesty, together with those of the Church: And how after all this it can be Inferred, he suggests that Her Majesty's Administration, in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution, I cannot imagine. I humbly submit, whether such a Charge can be inferr'd from his Sermons, without carrying Innuendo's farther than ever hath been attempted.

As for that Part of the fourth Article, which chargeth, That the Doctor doth suggest that there are Men of Characters and Stations in the Church and State, which do themselves weaken, undermine and betray, and do encourage and put it into the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment; the Doctor denies he suggesteth any such things concerning Men of Characters and Stations.

I can't but observe what Art hath been used to make up this Article, and I do not doubt but your Lordships will be of that Opinion; for the Doctor in Page 22, mentions Men of Character and Stations, but does not mention Men of Character and Station in Church or State; but says *there are Men of Character and Stations that shift and prevaricate with their Principles, and start from their Religion upon any Occasion of Difficulty*: Which is a Charge upon them in their private Capacity, and does not charge them with any Misbehaviour in their Stations, or in any thing relating to the publick Administration; nor does he mention in that Place their Weakning, Undermining and Betraying, or the Encouraging or Putting it in the Power of our profess'd Enemies to Overturn and Destroy the Constitution and Establishment.

And in Page 15, where he mentions *the Weakning, Undermining and Betraying in themselves, and the Encouraging and Putting it in the Power of our professed Enemies to Overturn and Destroy*

Destroy the Constitution and Establishment of both; There he does not mention Men of Character and Stations, but chargeth the Weakning, &c. on the False Brethren in Church and State; so that he thinks it very hard that a part of one Sentence in Page 22, should be brought back seven Pages, and coupled with part of another Sentence, Page 15, and put together as one Sentence, to make an Article of High Crimes and Misdemeanors; whereas one of the Sentences hath no manner of Relation to, or Dependance upon the other, and neither of the Sentences alone can amount to, or be charged as a High Crime and Misdemeanor.

By this Method they might have charged him with High Treason, or any other Crime. Nay, my Lords, by this Transposing and Altering of Sentences, by taking a part of one Sentence, and coupling it with part of another, they may make the Scripture it self speak Blasphemy.

But suppose it had been one entire Sentence, had this been a Ground for an Impeachment? By Men of Characters and Stations, must Men of the highest Characters and Stations be necessarily understood? No, my Lords: Are not Inferior Officers, even Constables, Mayors, Justices of the Peace, Officers of the Militia, Deputy-Lieutenants, Officers of the Army, Officers of the Customs, and other Branches of the Revenues, all Men of Station? And are not some of the Stations very good ones? And are not many of the Persons that enjoy them Men of Characters too? And if among all these there may be found some whose Consciences are so tender, that they think it a Sin to Communicate with the Church upon any other Account than to Qualifie themselves for their Offices and Stations; and such who Vilifie her Orders, Calumniate, Misrepresent and Ridicule her Priests and Professors; is it a High Crime and Misdemeanor in the Doctor to call such Persons False Brethren, and to Suggest that they are Enemies to our Constitution, and that they endeavour to Weaken and Undermine it? And yet this is all that can be inferr'd from these two Pieces of Sentences put together, to form this Article. And does this bring the least Blemish or Reflection on the Ministry, or those of the Highest Character and Stations in the Church? By no means; for the Ministry presumes that Men in those Inferior Stations are well-affected to our Constitution, when they qualifie themselves according to Law, by taking the Sacrament and Oaths; and if any of them are not so, it cannot be presumed to fall under the Notice of the Ministry: And in many Cases, if they did know it, yet it would not be in their Power to Redress it. I remember

member one Instance, in an eminent Borough in this Kingdom; it was proved, at the Hearing of an Election for that Borough, that the Mayor declared that no Person should be admitted into the Corporation, and qualified to Vote for Members of Parliament, but such as were Dissenters from the *Teat*; so that there may be Mayor, Aldermen, and the whole Corporation, who may take the Sacrament in the Church of *England*, and the Oaths, and yet every one Dissenters: And they may Elect Persons into much higher Stations, if they please, which are equally Disaffected to our Church, and it is not in the Power of Her Majesty or the Ministry to help it. And when there are such found among us, whether the Doctor, when he chargeth them for being False Brethren, can be said to reflect on the Ministry, can be said to be Guilty of High Crimes and Misdemeanors, I submit to your Lordships.

The Learned Gentleman who spoke first to this Article, seemed to allow that Men of the Highest Character and Stations were not intended; but he objected, that to the Charge the Inferior Magistrates, with a Neglect of their Duty, is charging the Government with Male-Administration; in which I cannot concur with him. But as this Case is, I take it to be plain, that to charge Inferior Officers or Magistrates with a Neglect of their Duty, cannot Reflect on Her Majesty's Administration; for there are Magistrates which Her Majesty cannot remove; there are Neglects which Her Majesty or Her Ministry cannot be presumed to know, as I before mention'd. And to set this in a true Light, and to give a full Answer to this Objection, we have Her Majesty's Authority to vindicate the Doctor in this Point; for Her Majesty chargeth the Magistrates with a Neglect of their Duty, and carrieth the Charge higher than can be inferr'd from the Doctor's Sermon, I mean the several Proclamations that have been issued by Her Majesty, by the Advice of Her Privy-Council (which are Her Ministry) for suppressing Prophaneness and Immorality. Those Proclamations take notice of the several Acts of Parliament against Prophaneness and Immorality, and charge the Inferior Magistrates with a Neglect of their Duty, in not putting those Laws in Execution: And is it an Offence for the Doctor to mention that in his Pulpit, which hath been so often repeated by Her Majesty under Her Great Seal?

It has been objected, that the Doctor, speaking of the Church, says, that *Her Adversaries are Chief*: This is a Quotation out of Scripture, which signifies that they are mighty;

mighty ; but that this reflects on the Ministry, or Her Majesty's Administration, I cannot apprehend.

But it is also objected, that the Doctor, Page 5. saith, *That the Communion of the Church hath been rent and divided by Factionous and Schismatical Impostors, &c.* Is the saying this is done with Impunity a Reflection on the Administration? That Blasphemy, Atheism and Prophaneness have been justified in Print; That the Worship and Discipline of the Church hath been prophaned and abused, Her Orders denied and vilified, Her Priests and Professors calumniated, misrepresented and ridicul'd; That Trumpets have been sounded to Rebellion; That Her Majesty and Her whole Administration have been reflected on, I think was sufficiently proved to your Lordships Yesterday; and that it hath been done with Impunity hitherto, I believe will not be denied, for I have not heard that any of these bold Offenders have yet been punish'd; and that the Inferior Magistrates have neglected their Duty in that respect, we have Her Majesty's Authority for it. But that this is a Reflection on Her Majesty, or Her Ministry, is totally denied; for the Execution of the Laws against such Offenders is within the Province of Inferior Magistrates; and God forbid that the Faults of Inferior Magistrates should be charged upon Her Majesty. The several Proclamations Issued out by Her Majesty, by the Advice of Her Privy-Council, shew, Her Majesty and Her Ministry have done all that in them lies to suppress Blasphemy, Prophaneness and other Vices, and that the fault and neglect lies intirely at the door of the Inferior Magistrates: And this sufficiently answers the Objection, that what is charged upon Inferior Magistrates, cannot Reflect on Her Majesty, or Her Ministry. And this is also a full Answer to that Part of the Fourth Article, which accuseth the Doctor with charging Her Majesty and those in Authority, both in Church and State, with a general Male-Administration: To which I would only add what the Doctor hath said in his Answer to this Article, viz. "That he abhorrs the thoughts of bringing any Charge against Her Sacred Majesty, whom he never mentions but in Terms of the profoundest Duty and Respect; That he doth not charge those in Authority with any Male-Administration; That he doth not so much as mention the Word *Male-Administration*, nor any other Word Synonymous with it, or from whence it can be inferr'd, or in which it is or can be imply'd.

As to such Part of the Fourth Article, which chargeth, that the Doctor, as a publick Incendiary, persuades Her Majesty's Subjects to keep up a Distinction of Factions and Parties; he invites the Dissenters to leave their Schism, and come sincerely into the Church. He complains of those who have villainously divided us with the knavish Distinctions of High and Low Church. He wisheth we were all one Fold under one Shepherd, and all those invidious Distinctions, that distract and confound us, were lost.

If wishing that People would leave their Schism, and come sincerely into the Church, that we were all one Fold, under one Shepherd, makes a Man a publick incendiary; if blackning those that divide us with knavish Distinctions with the Character of Villainous, and wishing that all those invidious Distinctions which distract and confound us, were lost, be to keep up Distinctions of Factions and Parties, the Doctor is Guilty; but if not, then he conceives there is nothing in his Sermons which can be a Foundation for the Charge in this Branch of the Fourth Article.

But it hath been Objected, That though the Doctor invites the Dissenters to come into the Church, yet he invites them upon his own Terms. And I hope, my Lords, they shall never come in upon any other Terms than their Conforming to the Doctrine and Discipline of our Church. I hope I shall never see the Constitution of our Church weakned, and her Pales and Fences broke down, to let her Enemies into it.

As to the other Part of the Article, which chargeth the Doctor with instilling groundless Jealousies, and fomenting destructive Divisions among Her Majesty's Subjects, there is no Foundation for it; for, on the contrary, he Rebukes and Condemns those who by false Insinuations and raising groundless Jealousies and Fears, embroil and bring it into Confusion.

As to that Part of the Fourth Article, which chargeth, That the Doctor excites and stirs up her Majesty's Subjects to Arms and Violence; if Preaching up Passive Obedience be to stir up People to Rebellion; if Preaching up the Illegality of Resistance be to excite Her Majesty's Subjects to take up Arms against Her, I own there is a sufficient Ground in his Sermon for this Charge, but otherwise there is not one Passage in the Sermon to warrant this Accusation.

I do admit, the Doctor, in the last Page of his Sermon, hath this Exhortation of St. Paul's; *Put on the whole Armour of God, that ye may be able to stand against the Wiles of the Devil; for we wrestle not only against Flesh and Blood, but against Principalities, against Powers, against the Rulers of the Darknesse of this World, against spiritual Wickednesses in high Places.* I pray.

pray, my Lords, what is it that the Doctor in the Words of St. Paul advises his Auditors to resist, is it not *the Wiles of the Devil*? With what Armour are they to resist? 'tis with *the Armour of God*. What is the Armour of God? Are Guns, or Swords of Iron or Steel, the Armour of God?

cc The learned Manager that spoke to this Point said, the Doctor could not mean the spiritual Armour, because he departed from the Apostle's spiritual Meaning. And to make good this Charge, he useth the same Method that was taken to make up the first Part of this Article; for the Words cited by the Doctor are in the eleventh and twelfth Verses of the sixth Chapter of St. Paul to the *Ephesians*, and to find out the Doctor's Meaning, he goes back to the thirty first Verse of the fourth Chapter, where St. Paul saith, *Let all Bitterness, and Wrath, and Anger, and Clamour, and Evil-speaking be put away from you, with all Malice*. And why this should be alledged to shew what the Doctor means, when in the Words of St. Paul he adviseth his Auditors to put on the Armour of God, I cannot imagine. If he had read but two Verses after those Words cited by the Doctor, he would have found the Armour of God to be *The Sword of the Spirit, the Shield of Faith, the Brest-plate of Righteousness, and the helmet of Salvation*; and the Doctor could mean no other Armour: And how Her Majesty, or those in Authority under Her, can be resisted by this Armour, or what Violence Her Majesty's Subjects can use with these Arms, I submit to your Lordships. 'Tis plain that the Principalities, Powers and Rulers, here meant, are not earthly Principalities, Powers and Rulers, but the Principalities, Powers, and Rulers of Darkness, against which Guns and Swords are but a very weak and feeble Defence. These things being considered, I think there is nothing to be collected from this Paragraph, that can excite Her Majesty's Subjects to Arms and Violence, unless it be to take the Armour of God, to resist the Devil and all his Works; which I hope is not a high Crime and Misdemeanor.

cc As a further Evidence, that the Doctor excites Her Majesty's Subject to Arms and Rebellion, it is objected, that the Doctor, in his Sermon, Page 26, says, *Let us therefore, being well assured how much our Cause deserves, and how much at present it requires our bravest Resolutions, hold fast our Integrity and Religion without wavering, and earnestly contend for the Faith which was once delivered to the Saints*. And is not this wholesome and religious Advice? The more strongly and openly the Cause is oppugned, the braver Resolution it requires to defend it. The Cause of Religion is attack'd by Atheists and Deists; the Cause of Monarchy, by Asserters of Republican

lican and Seditious Principles; the Cause of the Church, by Papists and Sectaries of all sorts; and therefore it requires our bravest Resolutions to defend the Church, the Queen, and the Constitution, with the same Zeal they are attack'd, as the Doctor explains himself, *Not doubting, if we shew the same Courage and Indefatigable Zeal and Labour to defend, as our Adversaries to reproach, divide, and ruin our Church; neither their united Malice nor Power, nor all the Plots and Machinations of Rome, nor the very Gates of Hell it self, shall ever be able to prevail against Her.* And shall this be construed to excite Her Majesty's Subjects to Arms and Violence?

As to the last part of the Article, which chargeth, that *The Doctor doth wickedly wrest and pervert divers Texts of Holy Scripture*: It seems the Printer of the second Edition mistook one Text. If the Doctor had perverted or wickedly wrested the Text, he must have been subject to a Prosecution in another Place, but it would not have been a Ground for an Impeachment of High Crimes and Misdemeanors.

To conclude: — My Lords, If condemning the Dethroning and Murdering the Royal Martyr King *Charles* the First, be to cast black and odious Colours on his late Majesty and the Revolution; If the averring the utter Illegality of Resistance to the Supreme Power in all things lawful; If Preaching the Doctrine of Passive Obedience and Non-Resistance, which hath been enjoined by our Church, and confirmed by the Legislature, and is the Doctrine of all Christian Churches, shall be construed to be a Reflection on the Revolution, and a greater Reflection on it now, than the Preaching of the same Doctrine was in the Reign of his late Majesty, who was the happy Instrument of that Revolution; if the Doctor be a Criminal for Preaching that Doctrine which the Right Reverend Fathers of our Church, and other eminent Divines, have Preach'd, with the Approbation and Applause of the Crown, and both Houses of Parliament, then the Doctor is guilty of the high Crimes and Misdemeanors in the First Article.

And if to wish that Dissenters, who qualifie themselves according to the Act, may enjoy the full Benefit of it; if to desire the Laws to be put in Execution against such who will not comply with the Terms prescribed by the Act, and against Atheists, Deists, and such who frequent no religious Worship at all, and are particularly excepted out of the Act of Toleration; and if to assert that a Sentence Ratified in Heaven cannot be revers'd on Earth, be to affirm the Toleration unreasonable, and the Allowance of it unwarrantable, then the Doctor is also guilty of the High Crimes in the Second Article.

And if to assert the Prejudice the Church receives by Schism and Occasional Conformity ; if the shewing the heavy Judgments which may be brought down upon a Church and Nation by Blasphemy, Atheism, Prophaneness and Immorality ; if to shew the Danger the Queen and Church are in by the rebellious Principles that are daily broach'd and publish'd, be to assert the Church is in Danger under Her Majesty's Administration, the Doctor is likewise guilty of the Crimes in the Third Article.

And lastly, If to pray for Her Majesty's long Continuance on the Throne, for the comfort and Support of the Church and Nation ; if to shew that the Laws against Atheism, Blasphemy, Prophaneness and Irreligion be not put in due Execution by inferior Magistrates ; that is, if to assert in his Pulpit What her Majesty, by Advice of Her Ministry, hath asserted in four Proclamations, be to reflect on Her Majesty and Her Ministry, and to charge Her Majesty with Male-Administration in Church and State ; and if exhorting the People to *put on the Sword of the Spirit, the Shield of Faith, the Breastplate of Righteousness, and the Helmet of Salvation*, to resist the Devil and all the Powers of Darkness, be to excite Her Majesty's Subjects to Arms and Violence against her Majesty ; and if Preaching up Passive Obedience and Non-resistance is to stir up People to Rebellion then the Doctor is guilty of the high Crimes and Misdemeanors in the Fourth Article, especially if strain'd, foreign and unnatural Inferences, Insinuations and Innuendo's are to pass for Proof. But otherwise I presume to say the Doctor is not guilty of any of the Offences charged in either of the Articles, and I humbly hope your Lordships will be of that Opinion.

Mr. Dec. **M**Y Lords, This Article is short of the former Articles in the manner of the Charge. The first Part of it is a Charge upon the Doctor, that he suggests only, That Her Majesty's Administration tends to the Destruction of the Constitution. As to this Part of the Article (as has been observed) there is no Passage in the Sermon mentioning Her Majesty, but with the greatest Respect, and with hearty Prayers for Her. The Words *Ministers or Ministry*, are not found in the whole Sermon : Therefore, to find any Charge on them by the Doctor we must look to the second Part of the Article, which charges the Doctor with suggesting, That there are Men of Character and Stations who are False Brethren, and do undermine the Constitution, and endeavour to betray the Church, and consequently charges Her Majesty with a general Male-Administration.

My Lords, As to this Part of the Charge, *viz.* That the Doctor doth suggest, that Men of Character and Stations are Underminers of our Constitution, it is not to be found in any Part of the Sermon; but if he doth suggest, that Men of Characters and Stations (not saying of what Characters, or what Stations) are False Brethren (if your Lordships take Notice what those Men are, whom the Doctor calls False Brethren) it will not be a sufficient Ground for a Charge of High Crimes and Misdemeanors. There are four sorts of Persons that the Doctor charges as False Brethren, Those that propagate False Doctrines, Those that give up the Discipline of the Church, Those that are for a Neutrality in Religion, and Those that own themselves to be of the Church, but live not according to her Rules. Now to say that there are some Men of Character and Stations in the Nation that are False Brethren, within some one or other of these Descriptions, I wish I could say it was not true. But when the Doctor comes to charge some Persons as Underminers of the Church and Constitution, they are described to be either those Persons that subvert the Fundamentals of Religion, as Atheists, Deists, Socinians, and such like, or Occasional Conformists, Persons that creep into the Church only with a Design to do it a Mischief. And I think these Persons may be justly said to be Underminers of the Church.

My Lords, There is a general Charge against the Doctor, that he excites the People to Rebellion. If this could be naturally inferr'd from his Words, he must be guilty of Self-Contradiction, and ought rather to be pitied as a weak, foolish Man, than punished as a cunning Incendiary: For when he hath so positively affirmed the utter Illegality of Resistance to the Supreme Power, if any thing had dropt from him in the same Assembly tending to Rebellion, he would have exposed himself to the utmost Ridicule.

My Lords, Some things have been observed out of the Preface to his Sermon at St. Paul's; one Expression is that of sounding a Trumpet. I should not have thought this worth taking notice of, but that some of the Gentlemen did lay some Stress on it, as if this were sounding an Alarum, exciting People to Arms. But I conceive that the Words out of the Mouth of the Doctor bear the same Sense, as out of the Mouth of the Prophet. But for fear that he should be misconstrued, the Doctor explains himself by the Words immediately following, and shews, that such Prohibition or Restraint laid on the Clergy, as are there suggested, are expressly contrary to the Command of God: His Words are these: *We are told by these Men, who would shut both our Eyes and*

our Mouths, in order the more effectually to undermine and destroy us, that the Pulpit is not a Place for Politicks, and that it is the Business of a Clergyman to Preach Peace, and not sound a Trumpet in Sion ; so expresly contrary to the Command of God, to cry aloud and spare not. So that these Words do plainly interpret what the Doctor meant by sounding a Trumpet.

My, Lords, There was another thing taken Notice of from this Preface, and that was the Encouragement he gives to People to Arms and Violence against such as would destroy the Church, &c. The Words of the Doctor are these ; *If honest Men will sit still, and give up their Cause through want of Courage, or a just Sense of the dangerous Attempts of our Enemies, we may, without the Spirit of Prophecy, foretel what will become of our Constitution, when it is so vigorously attack'd from without, and so lazily defended from within.* This was looked upon as dividing the People, and exciting them to make Resistance. But if the Gentlemen had look'd a little before, in the same Paragraph, they would have found who the Assailants he mentions were, and then they would not, I conceive, have blamed the Doctor for encouraging the People to make a vigorous defence. The Assailants are those that make rebellious Appeals to the People, as the only Judges of Right and Wrong, and the Dernier Resort of Justice and Dominion : These, he says, are the fashionable Methods now made use of to undermine the Church and Legislature, by breaking in upon the Prerogative of the Crown, by threatening them with imaginary Legions, and a popular Tribunal, where their Authority is to be tried and determined : To put a stop to this thing, is what he says is the intent of his Discourse. Now if these are the Persons, that attack the Constitution, that appeal to the People as the only Judges of Right and Wrong, if these are the Assailants, surely the Doctor may encourage the People vigorously to defend themselves against them.

My Lords, There was one thing more taken Notice of by the Gentlemen Managers, that the Doctor had given great Offence to the Commons by an Expression he has made use of, by way of Exclamation, in the close of his Answer to the Articles, and that runs thus ; *Hard is the Lot of the Ministers of the Gospel, if when they cite the Word of God in their General Exhortations to Piety and Virtue, or in their Reproofs of Mens Transgressions, or where they are lamenting the Difficulties and Conflicts with which the Church of Christ, whilst Militant here on Earth, must always struggle, the several Texts and Passages by them Cited shall be said to have been by them meant of particular Persons and Things, and shall be construed in the most Criminal Sense, and be made by such Construction one Ground of an Impeachment*

peachment for high Crimes and Misdemeanors. If this Supposition, as the Doctor has put it, be turned into a Position, he hopes you will pardon him for his Exclamation. If Generals have not been tied to Particulars, to make up these Articles, then the Doctor had no Reason to make this Exclamation; but if the Doctor's Sermon hath been so treated, in order to frame the Articles against him, then he is not blameable for that Expression.

My Lords, The Doctor has never before been charged with Disloyalty to the Government; he hath always been a Man of that Probity, and of so blameless a Life and Conversation, that he hath not been so much as attacked on that Account. And when a Man of his Character is brought before your Lordships for a Sermon preach'd in a publick Congregation, for a Doctrine that is the Doctrine of the Church of *England*, and for which he has the Authority of so many of the Fathers of that Church, as well as of many of her Learned Sons: For him, I say, to be brought before your Lordships by an Impeachment on that Account, surely he may be allowed to say this: His Lot (at least) is hard, that he should be made the first and so solemn Example, when he only followed so many and great Examples, as have been set him from the beginning of the Reformation down to this Time. And when your Lordships consider the Circumstances of the Doctor, I hope your Lordships will think that the Defence of this Prosecution must be a sufficient Punishment for any the Crimes he is charged with, and of which he can be supposed Guilty; and so I submit him and his Cause to your Lordships Justice.

Dr. Henchman. **M**Y Lords, In the General Preamble to the Articles of Impeachment, Doctor Sacheverel is said to have preached and published two Discourses, with an Intention to defame Her Majesty's Administration; and this last Article contains several particular Charges of a very high Nature, and great Malignity, against Her Majesty's happy Administration.

For a General Answer to this Article, I must beg your Lordships patience to look back again upon those Passages of this Sermon, which I humbly offer'd to your Lordships Consideration under the Third Article, which will set the Doctor's intentions in a clear light. In one of them he readily acknowledges the great Blessing we at present enjoy by Her Majesty's happily sitting on the Throne of her Ancestors; and in the other places where he mentions her Majesty, it is with great respect, and hearty Addresses to God long to preserve her on that Throne; and at last, concludes with this solemn Protestation,

That what he had then spoken *proceeded from a good Intention, and tender Concern for Her Majesty's Person and Government, and a hearty Zeal for the Honour and Safety of our Excellent Church and Constitution.*

cc My Lords, Some Regard is to be had to the Declarations of every honest Man, in relation to his own Thoughts and Intentions, which are known only to God and his own Conscience; and certainly when a Priest of the Church of *England* does, in the presence of God, and face of the Congregation, solemnly declare, that what he speaks is with a tender Concern, and hearty Zeal for her Majesty's Person and Government, no loose Words, or distant and unconnected Expressions, ought to be construed to a direct contrary Sense of so express a Declaration. My Lords, the Sense of these Words is plain and obvious to every Man's Understanding; but if a Passage in the two and twentieth Page of this Sermon, in it self, and as it stands in its proper Connection, not Criminal, must be construed by what is said in the fifteenth Page, little relating to the same Purposes, and both these Passages explain'd by a third still farther distant, by such a Method the most inoffensive Discourse may be made blameable, and it will be very difficult to make any Defence.

cc My Lords, It has been objected by the Learned Managers, that the Doctor chose an unseasonable Time, and an improper Place, to vent his Notions in: But how does it appear, that either the one or the other was of his own Choice? Does it not rather appear, that he was call'd to perform that Duty by the publick Magistrate, and that both the Time and Place were of his Appointment? Or how can it, at this time, be thought unseasonable to maintain the Doctrine of our Church, when such swarms of infamous Libels are daily published in Opposition to it? Or what Place can be more proper for this Purpose, than that in which such Libels usually first appear, and most prevail? Whether the Doctor performed his Duty, by preaching that Doctrine there, which the Rubric of our Liturgy expressly commands him to teach on that Day, must be submitted to your Lordships; and certainly it will always be thought proper on that Day that our Church and State were delivered from a most horrid Conspiracy, to preach against the Sin of Rebellion: Upon that Day that the whole Nation was deliver'd from a Popish Conspiracy, it will always be proper to shew that Resistance of the higher Powers is the Doctrine of Papists, and first proceeded from them. It is well known to your Lordships what the general Duty of Ministers obliges them to; but upon State-Days, when they are commanded by Supreme Authority, and directed by the Rubric, what Subject

to

to treat of, it would be Contempt in them not to obey the Commands of their Superiors, or not to insist upon that Doctrine which they are peculiarly order'd to explain: And I humbly apprehend that those Reverend Prelates, some of whose Expressions were lately read to your Lordships, would not have received the Thanks of this Honourable House, if they had not adapted their Discourses to the Solemnity of that Day, which they then celebrated.

My Lords, Upon a general View of this and the other Articles, the whole Charge will appear to be supported, not by any one plain Proposition, but by Inferences and suppos'd Constructions. It has been my Endeavour, under every Article, to lay before your Lordships one or more clear Passages of this Sermon, which sufficiently declare the Author's Intention as to that Article; and I must leave it to your Lordships Consideration, how far an Insinuation or Inference will be outweigh'd by an express Declaration. If there are any Words in this Discourse which seem to bear a doubtful Meaning, your Lordships will in all Cases incline to the most favourable Side: and in this Particular, the Character and Function of a Minister will deserve some more than ordinary Allowance. My Lords, it is a known Rule in the Roman Law, *In ambiguis orationibus maxime sententia spectanda est ejus qui eas protulisset.* Where-ever Words are capable of a double Construction, there the intention of the Speaker is chiefly to be look'd after, and attended to. Every Man has a Right to explain his own Intentions, and the darker and more obscure Expressions of his Discourse must be construed by those Passages which are more plain and explicit: This is a Rule in all Civil and Common Cases between Man and Man, but in Criminal Cases there that Law exacts a stricter and a nicer Proof; where-ever the Life or Liberty of a Citizen is concern'd, there the Proofs ought to be *Luce meridianâ clariora*, as evident as the Sun at Noon-day, and such as will convince every one at first Sight.

My Lord, I mention these Maxims of the Roman Law only as they are agreeable to the common Sense and Understanding of Mankind, as Rules of Reason and Equity, which your Lordships have always govern'd your selves by, and always will. The last of 'em I mention with the greater Confidence, because I find it has once already received the Sanction of this Honourable House, in Sir Samuel Bernardiston's Case, in which it is declared, *That Innuendo's or suppos'd Constructions ought not to be allowed, for all Accusations should be plain, and the Crimes ascertain'd.* This, my Lords, has once been the Resolution of this Honourable House, and we humbly hope your Lordships

ships will not depart from a Precedent so well established. My Lords, one Part of this last Article is, that the Doctor has wrested several Texts of Scripture to seditious Purposes; but it has not yet appeared that he ever harboured one seditious Thought: Whether he has perverted any Texts of Scripture will be best explain'd by himself, when your Lordships shall be pleased to hear him.

Mr. Dodd. My Lords, We desire to read two or three Proclamations; the first is to direct the Magistrates to put the Laws in Execution, against Prophaneness and Immorality; and that not being duly observed, the second Proclamation takes Notice thereof, and directs the Magistrates to put the same in Execution, and there are two subsequent Proclamations to the same Purpose.

Clerk Reads.] By the Queen a Proclamation, for Restraining the Spreading False News, and Printing and Publishing of Irreligious and Seditious Papers and Libels.

A N N E R.

Whereas by an Act of Parliament made in the third Year of the Reign of King Edward the First, It is Enacted, That none be so hardy to tell or publish any false News or Tales, whereby Discord, or occasion of Discord or Slander may grow between the King and His People, or the great Men of the Realm, and he that doth so shall be taken and kept in Prison until he hath brought him into Court which was first Author of the Tale. And by another Act made in the Second Year of the Reign of King Richard the Second, it is declared, That the Devising, speaking and telling such false News and Tales, was likely to occasion great Peril and Mischief to, and the quick Subversion and Destruction of this Realm: For the preventing whereof, it is thereby enacted, That none be so hardy to devise, speak or tell any false News, Lyes, or other false Things, of Prelates, Noblemen, and Officers of the Crown, therein named, whereof Discord, or any Slander might arise within this Realm, under the Pain ordained by the said Statute of King Edward the First. And by another Act made in the twelfth Year of the Reign of the said King Richard the Second it is Enacted, That when any such shall be taken and imprisoned, and cannot find him by whom the Speech be moved, that he shall be punished for such his Offence. And whereas the preventing of the spreading and publishing of false News and Tales, and the writing, printing and publishing of Heretical, Blasphemous, Irreligious, Treasonable, Seditious and Scandalous Books, Pamphlets, Libels and Papers, is a Matter which requires our Publick Care, and is of great Concernment, especially considering, that by reason of the general Licentiousness of the Times, since an Act for Preventing Abuses in Printing Seditious, Treasonable and Unlicensed Books and Pamphlets, and for Regulating of Printing and Printing Presses, made in the thirteenth Year of the Reign of Our late Royal Uncle King Charles the Second, and continued by an Act made in the fourth Year of the Reign of the late King William and Queen Mary, expired, many evil disposed Persons have written, printed and published divers Heretical, Blasphemous, Irreligious, Treasonable and Seditious Books, Pamphlets, Papers, and many false, infamous and scandalous Libels, and do continue such their unlawful and exorbitant Practices, endeavouring thereby to Traduce and Reproach the Ecclesiastical and Temporal Government of this Kingdom, and the publick Ministers of the same, and the Proceedings and Members of both Houses of Parliament, and other our loving Subjects, to the high Dishonour of Almighty God, and the endangering the Peace of these Kingdoms, contrary to the said Statutes, and the common Laws of our Realm: We therefore (with the Advice of our Privy Council) do by this our Royal Proclamation charge and command all our Subjects, of what State or Condition soever they be, That they do not henceforth presume, either by writing, printing or speaking, to tell or publish any

any false News or Tales, contrary to the Statutes before mentioned; nor write, print, publish or sell, or cause to be written, printed, published or sold, any Heretical, Blasphemous, Irreligious, Treasonable, or Seditious Books, Papers or Pamphlets, or any scandalous Libels, reflecting upon us, or upon the Ecclesiastical or Temporal Government of this Realm, or any of our publick Ministers or Officers, or on the Proceedings of either of our Houses of Parliament, or any the Members thereof, or upon any other of our loving Subjects. And we do hereby further declare, that we will proceed with the utmost Severity and Rigour of Law, against all such Persons who shall be Guilty of any the malicious and unlawful Practices aforesaid: We being resolved, as much as in us lies, to Suppress the said Enormities by a more Strict and Exemplary Punishment of all such Offenders herein as shall hereafter be discovered: To the Discoverers whereof we will give all due Encouragement. And we do hereby straightly charge and command all and singular our Judges, Justices of the Peace, Sheriffs, Mayors, Bayliffs, and all other our Officers and Ministers whatsoever, to take effectual Care for the speedy Apprehension, Prosecution and Punishment of all such persons who shall at any time hereafter be found Offenders herein.

Given at Our Court at Whitehall, the Twenty sixth Day of March, 1702. In the First Year of Our Reign.

GOD save the QUEEN.

Mr. Dodd. Now read the Second. Read the Date first.

Clerk Reads.] Given at our Court at St. James's, the five and twentieth Day of February, 1702, In the first Year of our Reign.

By the Queen, a Proclamation, for the Encouragement of Piety and Virtue, and for the Preventing and Punishing of Vice, Prophaneness and Immorality.

A N N E R.

WHEREAS on our Accession to the Throne, we thought fit, by the Advice of our Privy-Council, to Issue out our Royal Proclamation for the Encouragement of Piety and Virtue, and for the Preventing and Punishing of Vice, Prophaneness and Immorality: And whereas we have been informed, That our Laws mentioned in the said Proclamation have not been executed according to our just Expectation and Commands; we most seriously and religiously considering, that it is an indispensable Duty on us, to be careful, above all other things, to preserve and advance the Honour and Service of Almighty God, and to discourage and suppress all Vice, Prophaneness, Debauchery and Immorality, which are so highly displeasing to God, so great a Reproach to our Religion and Government, and (by Means of the frequent ill Examples of the Practicers thereof) have so fatal a Tendency to the Corruption of many of our loving Subjects, otherwise religiously and virtuously disposed, and which (if not timely remedied) may justly draw down the Divine Vengeance on us and our Kingdoms: We also humbly acknowledging, That we cannot expect the Blessing and Goodness of Almighty God (by whom Kings and Queens Reign, and on which we entirely rely) to make our Reign happy and prosperous to our self and our People, nor hope for the Divine Assistance to deliver us from the great and imminent Dangers which our Kingdoms, and the true Protestant Religion, established among us, are in this present Juncture threatened with, without a religious Observance of God's Holy Laws: To the Intent therefore that Religion, Piety, and good Manners may (according to our most hearty Desire) flourish and increase under our Administration and Government, we have thought fit (by the Advice of our Privy Council) to issue this our Royal Proclamation, and do hereby declare our Royal Purpose and Resolution to discountenance and punish all manner of Vice, Prophaneness and Immorality in all Persons of whatsoever Degree or Quality within this our Realm, and particularly in such as are employed near our Royal person; and that for the greater Encouragement of Religion and Morality, we will, upon all Occasions, distinguish Persons of Piety and Virtue by Marks of our Royal Favour. And we do expect
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and require that all Persons of Honour, or in Place of Authority, will give good Example by their own Virtue and Piety, and to their utmost contribute to the discountenancing Persons of dissolute and debauched Lives, that they being by that Means reduced to Shame and Contempt, for their loose and evil Actions and Behaviour, may be thereby also enforced the sooner to reform their ill Habits and Practices, and that the visible Displeasure of good Men towards them, may (as far as it is possible) supply what the Laws (probably cannot altogether Prevent. And we do hereby strictly enjoin and prohibit all our loving Subjects, of what Degree or Quality soever, from playing on the Lord's Day at Dice, Cards, or any other Game whatsoever, either in publick or private Houses, or other Place or Places whatsoever; and do hereby require and command them and every of them decently and reverently to attend the Worship of God on every Lord's Day, on Pain of our highest Displeasure, and of being proceeded against with the utmost Rigour that may be by Law. And for the more effectual reforming of all such Persons, who by Reason of their dissolute Lives and Conversations, are a Scandal to our Kingdom, our further Pleasure is, and we do hereby strictly charge and command all our Judges, Mayors, Sheriffs, Justices of the Peace, and all other our Officers and Ministers, both Ecclesiastical and Civil, and all other our Subjects, whom it may concern, to be very vigilant and strict in the Discovery, and the effectual Prosecution and Punishment of all persons who shall be guilty of excessive Drinking, Blasphemy, prophane Swearing and Cursing, Lewdness, Prophanation of the Lord's Day, or other dissolute, immoral or disorderly Practices; and that they take care also effectually to suppress all Bawdy-houses, publick Gaming Houses and Places, and other disorderly Houses, and to put in Execution the Statute made in the nine and twentieth Year of the Reign of our late Royal Uncle King *Charles the Second*, Intituled, *An Act for the better Observation of the Lord's Day, commonly called Sunday*, and also an Act of Parliament made in the ninth Year of the Reign of our late dear Brother King *William the Third*, Intituled, *An Act for the more effectual suppressing of Blasphemy and Prophaneness*, and all other Laws now in Force for the punishing and suppressing any of the Vices aforesaid; and also to suppress and prevent all Gaming whatsoever in publick or private Houses on the Lord's Day, and likewise that they take effectual Care to prevent all Persons keeping Taverns, Chocolate-Houses, Coffee-Houses, or other Publick Houses whatsoever, from selling Wine, Chocolate, Coffee, Ale, Beer, or other Liquors, or receiving or permitting Guests to be or remain in such their Houses on the Lord's Day, (except in Case of Necessity and Charity) as they will answer it to Almighty God, and upon pain of our highest Displeasure. And for the more effectual Proceeding herein, we do hereby direct and command all our Judges of Assize and Justices of the Peace, to give strict Charges at their respective Assizes and Sessions, for the due Prosecution and Punishment of all Persons that shall presume to offend in any the kinds aforesaid, and also of all Persons that, contrary to their Duty, shall be remiss or negligent in putting the said Laws in Execution; and that they do at their respective Assizes and Quarter-Sessions of the Peace, cause this our Proclamation to be publickly read in open Court immediately before the Charge is given. And we do hereby further charge and command every Minister in his respective Parish-Church or Chapel, to read or cause to be read this our Proclamation, at least four Times in every Year, immediately after Divine Service, and to incite and stir up their respective Auditories to the practice of Piety and Virtue, and avoiding of all Immorality and Prophaneness. And to the end that all Vice and Debauchery may be prevented, and Religion and Virtue practised by all Officers, private Soldiers, Mariners, and others, who are employed in our Service, by Sea or Land, we do hereby strictly charge and command all our Commanders and Officers whatsoever, That they do take care to avoid all Prophaneness, Debauchery and other Immoralities, and that by their own good and virtuous Lives and Conversations, they do set good Examples to all such as are under their Care and Authority, and likewise take Care of and inspect the Behaviour of all such as are under them, and to punish all those who shall be guilty of any the Offences aforesaid, as they will be answerable for the ill Consequences of their Neglect herein.

GOD Save the QUEEN.

Mr.

Mr. Dodd. My Lords, There are two subsequent Proclamations pressing Magistrates to put the Laws in Execution in this case, but they are to the same purpose, therefore I think we need not spend your Lordships time to read them; they are to the same purpose with the last, taking notice that the Magistrates had not done their Duty as required.

My Lords, We have now done our Defence, only we have one Petition to make, that your Lordships would be pleased to hear the Doctor speak for himself: There are some things more proper for him to give an Account of, than for his Council. We apprehend the most proper time will be after the Gentlemen Managers for the House of Commons have Replied; but we thought it proper to mention it to your Lordships now, and humbly submit it to your Lordships.

Mr. Phips. My Lords, The Reason why we troubled your Lordships with reading those Proclamations, was to shew your Lordships, that the inferior Magistrates being negligent of their Duty, in putting the Laws in Execution against Profaneness, Her Majesty put out another Proclamation to quicken them to it; therefore when the Doctor charges the Magistrates with a Neglect of their Duty, it cannot be understood to be a Reflection on the Queen or the Ministry, because you see what great Care Her Majesty has taken; so that we think this last Article is sufficiently clear'd by these Proclamations. One thing, my Lords, I think we have not troubled your Lordships with, and that is the Journal of your own House in the Case of *Sir Samuel Bernardiston*; if the Gentlemen of the House of Commons do admit of it, we are ready to read it.

Sir Joseph Jekyll. My Lords, I have the Commands of the Gentlemen employed in this Service with me, to mention to your Lordships, that they are under a great Surprize, that the Council for the Doctor should take upon them to propose to your Lordships that the Doctor might speak after the Commons Reply; I have Instructions (since the Doctor's Council have refer'd some part of the Defence to himself) to tell the Doctor, that if he has any thing to say for himself, now is his Time, before the Commons Reply; the Commons claiming it as their Right to speak last.

Mr. Dodd. My Lords, We submit to it. Doctor go on.

Doctor Sacheverell. MY Lords, The Defence made by my Council has been so full, and particular, and the Tryal it self drawn out into so great a Length, that I should not add to your Lordships Trouble by saying any thing for my Self, did I not think that in such a Cause, as this, (wherein the Doctrine of
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our Church, the Dignity of *that Holy Order* to which I belong, and even the *Common Interest* of Christianity it self, are so nearly Concern'd) it becomes me not to be altogether silent.

For, my Lords, it has been own'd by some of the *Managers for the Honourable House of Commons*, that tho' I am the *Person Impeach'd*, yet *my Condemnation* is not the *Thing* principally aim'd at. I am, it seems, an *insignificant Tool of a Party*, not *worth regarding*; the avow'd *Design* of my *Impeachment* is, by the means of it to procure an *Eternal and Indelible Brand of Infamy to be fix'd, in a Parliamentary way, on all those who maintain the Doctrine of Non-Resistance, and to have the Clergy directed what Doctrines they are to Preach, and what not.* And therefore, as *Insignificant* as I am in my Self, yet the *Consequences* of my Tryal (if rightly represented to your Lordships by some of *those Gentlemen*) are of the highest Moment, and Importance.

Since I am the unfortunate Occasion of bringing these Matters in Judgment before your Lordships, it will behove me, I think, after what has been Pleaded in my behalf by my *Council learned in the Law*, to say somewhat also for my Self, in order to clear the *Innocence* of my *Intentions*, and remove that load of *Guilt* and *Infamy*, which may be laid upon me, should your Lordships determine, (as, I trust in God, you will not) that the *Articles of Impeachment* Exhibited, have been made good against me,

With your Lordships Permission then, I shall lay before you some few *General Remarks*, which in my humble Opinion may be added to what *my Council* have already observ'd, concerning the *Methods* taken by *the Managers for the Honourable House of Commons*, to Prove and Support the *Articles* of their Charge. And shall then, with your Lordships leave, say somewhat *severally* to the *Articles* themselves, which may serve to Remind your Lordships of what my *Council* before offer'd more at large, and with greater Advantage.

cc My Lords, *The Charge* brought against me in these *Articles* is of a very *High*, and *Heinous* Nature; and had it been as *clearly made out*, as it has been *strongly affirm'd*, it would justly have expos'd me to a very severe Sentence. But the more *Heinous* the Charge is, the more *evident* and *undeniable*, I should think, the *Proof* ought to be. And how, my Lords, has this Charge been supported in the several *Articles* of it? By *plain, direct, and express* Passages produc'd, and read to your Lordships out of my Sermons; or by *Intendments, unnecessary Implications, and strain'd Constructions*? By laying *entire Sentences* before your Lordships, and relying upon what was *manifestly* contain'd in them; or by *piecing broken*

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Sentences, and conjoining distant and independent Passages, in order to make me *Speak*, what I never *thought* of?

I am unacquainted, my Lords, with the Methods of *legal Proof*, and little thought I should have had *this Occasion* of enquiring into them. But, as far as I am able to Comprehend any thing of this Nature, I should think, that there cannot be a *clearer Indication* that I am not Guilty of having asserted what I am Charg'd by the several Articles to have said, than that *so many hours Learning and Eloquence* have been Employ'd in *proving* me to have said it. Had I *really* affirm'd those Propositions for which I am accus'd, my Sermons being before your Lordships, the Places wherein such Propositions were directly contain'd, might have been referr'd to, and read, with the same Ease as *my Council* referr'd to the Passages contain'd in the several *Writings*, and *Sermons* of the *Reverend Fathers*, and other *Eminent Divines* of our Church, wherein they Taught the *Doctrine of Non-Resistance* in the *same Extent* as I Maintain'd it, or in *Terms* much *stronger*.

These Passages, produc'd by *my Council*, were barely Read to your Lordships: No *Argument*, no *Colours* were us'd, because *none* were *necessary*, to prove what Propositions were laid down in those Passages; Whereas, to prove me Guilty of having asserted what is laid to my Charge, after my *Sermon* and *Prefaces* were Read to your Lordships, much *Art* and *Industry* were us'd to persuade your Lordships, that such Assertions were *really* contain'd in them.

My Lords, When my Words were capable of *two Senses*, the *worst*, and most *invidious*, though at the same time the most *strain'd*, and *unnatural Construction*, has been always made of them. Nay, when my Words were so *plain* and *express*, that it was *impossible* to put any *criminal Glosses* or *Colours* upon them, I have been accus'd of *meaning* the *direct contrary* to what I have said: And when I press'd the Duty of *Allegiance to the Queen*, your Lordships were told, that it was most certain, I meant the *Pretender*.

To *Aggravate* my Guilt, I have been *accus'd* not only for what I am *suppos'd* to have said, but for what I am allow'd *not* to have said: Not only for what I *have* taken notice of in my *Sermons*, but for what I *have pass'd by unobserv'd*: I have been Charg'd with *Negative Crimes*; as if what I omitted to say, had been *omitted* with *Design*, and my *Silence* it self were *Criminal*.

These, my Lords, are the Methods, that have been made use of to *prove* me Guilty of *Crimes*, which if prov'd, might affect my *Liberty* and *Fortune*; no *favourable Allowances* have been made to a *Minister of the Gospel*, discharging the Duty
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of his *Function*, and rebuking *Vice* and *Irreligion* with an *honest* and *well-meant Zeal*, but sometimes perhaps carrying him into Expressions too open, and unguarded. I could add, my Lords, if such a Complaint might not be thought *improper* from one in my *Circumstances*, that, in the course of my Accusation, I have been styl'd a *Criminal*, and treated as such by some of these *Honourable Gentlemen*, with a degree of *Scorn* and *Indignity*, from which I hop'd my *Sacred Profession*, my *present unhappy Condition*, and a *Regard* to this *Solemn* and *Awful Judicature* might have screen'd me.

But, my Lords, I lay aside all *Complaints* of this Nature, and with your Lordships leave shall proceed to make some few, short Observations upon the several Branches of the Charge Exhibited against me.

I am Charg'd, my Lords, in the first Article, with having Maintain'd, That the necessary Means us'd to bring about the late Happy Revolution were Odious and Unjustifiable; in proof of which it has been urg'd, that I have in *General Terms* asserted, *the utter Illegality of Resistance to the Supreme Power* upon any Pretence whatsoever. My Lords, the *Resistance* in that Passage by me *Condemn'd*, is no where by me applied to the *Revolution*; nor is it applicable to the *Case of the Revolution*, the *Supreme Power* not being then Resisted.

My Lords, I neither expressly apply'd my Doctrine of Non-Resistance to the *Case of the Revolution*, nor had I the least Thoughts of including the *Revolution* under my *General Assertion*. I express'd *this Doctrine* in the same *General Terms* in which I found it deliver'd by the *Apostles of Christ*. I Taught it as I had *Learnt* it, from the *Homilies of our Church*, and as I was enjoin'd to Teach it, by the *Articles of our Religion*. I us'd no other Language, than what had been us'd by our first Reformers, by a continued Series of *Right Reverend Prelates*, and other *Celebrated Divines* now with God, and by many of those *Venerable Fathers*, before whom I stand, and what is perfectly agreeable to the *Laws*, and *Statutes* of this Realm. I had little Reason to apprehend that I could ever have been accus'd by the *Gentlemen of the House of Commons* to your Lordships as a *Criminal*, or as an *Asperser of the Memory of the late King*, for preaching *this Doctrine*; when others, who preach'd the same Doctrine, in the same Terms, before their late Majesties, before our present *Gracious Sovereign*, (whom I pray God long to Preserve!) before each *House of Parliament*, before *this very House of Commons*, have met with publick Approbation: But since it is my singular Misfortune to be Accus'd, for what others have receiv'd Thanks, in some Instances convey'd to them, by several of the *Managers themselves*, I do with
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all humble Confidence rely upon your Lordships Justice; not doubting but that the *Learned the Judges*, if thought necessary to be consulted, will declare, what I have in this Case Asserted, to be Warranted by *Law*, and the *Right Reverend the Bishops* will affirm it to be the *Doctrine of the Gospel*.

The *Doctrine* I preach'd being the *Doctrine of the Homilies* of our Church, not express'd only in a few particular Passages of those *Homilies*, but perfectly agreeable to the whole Tenor, the main Scope and Design of them; and those *Homilies* being establish'd by the *Thirty Nine Articles*, as containing godly and wholesome *Doctrine*; and those *Articles* being confirm'd by the 13th of *Q. Eliz.*; and that Statute being made *Perpetual*, and *Fundamental* to our Constitution by the late *Act of Union*; I leave it to your Lordships to consider, how far the Condemnation of me, on the account of that *Doctrine*, may affect, and shake the present Frame of the *British Constitution*, in Church, and State, and tend to Dissolve the *Union of the two Kingdoms*.

My Lords, Upon the second Article, I would humbly pray your Lordships to consider, that I have no where in my Sermon shewn any the least Dislike of the *Indulgence granted by Law to Dissenters*; that, on the contrary, I have declar'd my *Approbation* of it in the most express Terms imaginable, which I beg leave once more to repeat to your Lordships out of my Sermon preached at *St. Paul's*. I would not (I there say) be misunderstood, as if I intended to cast the least invidious Reflection upon that *Indulgence*, which the Government hath condescended to give them; which I am sure, all those, who Wish well to our Church, are ready to grant to Consciences truly Scrupulous; let them enjoy it in the full Limits the Law hath prescrib'd.

My Lords, This then was, and still is my sincere Opinion, nor am I conscious that I have uttered one Word inconsistent with it, I have indeed blam'd, and perhaps with some Warmth and Earnestness blam'd, the Abuses, which Men of no Conscience, have made, of the *Legal Exemption*, granted to Consciences truly scrupulous: Nor could I think that those Reprehensions of mine, would have drawn upon me the Displeasure of any sincere Christian, which were levell'd against Hypocrites, Socinians, Deists, and such as, under the Umbrage of that Act, which permits Protestant Dissenters, and those only, to serve God, every Man in his own way, think themselves at Liberty to be of no Protestant Congregation, of no Religion at all. I will farther ingenuously own to your Lordships, that I had in my Eye some Abuses made of that Act by the Dissenters themselves; who, I am told, do (both Pastors and People) rarely observe the Qualifications prescrib'd by that Act; and who erect Seminaries for Educating Youth in Principles opposite to the *Doctrine, Discipline,*

pline, and *Worship* of our *Church*; Whereas *that Act* was intended for the Ease of *those*, whose Minds through the unhappy Prejudices of Education, were already Estranged from the *Church*; not as I humbly conceive, to indulge Men in taking the most effectual Methods to *Propagate*, and *Perpetuate* their *Schism*.

My Lords, Of any Favours to Dissenters granted, or intended by the *Law*, I have no where complain'd, of *Toleration*, a word unknown to our *Laws*, and implying, as I am inform'd, much more than our *Law-Givers* design'd, if I have said any thing *Offensive*, I may, I hope, reasonably presume, that it will not be judg'd by your Lordships in any wise to reflect on that *Act of Exemption*, which I have spoken of in *Terms*, no ways, I think, misbecoming a good *Subject*, or betraying any want of *Christian Moderation*. Nor is there, my Lords, any want of it I conceive in affirming that *this Act*, which relieves some Dissenters from *legal Punishments*, to which they were before Obnoxious, hath not any ways alter'd the *Nature* of *Schism*, or extinguish'd the *Obligations* to *Church-Communion*; which is an *Evangelical Duty*, incumbent on all Christians, by the *Rules* of the *Gospel*, *Antecedent* to all *Secular Laws*, and can by no *humane Power* be *Dispens'd* with. If the *Church of England*, my Lords, imposes no *unlawful Terms* of *Communion*, as She certainly does not, then all *Separatists* from her *Communion*, will, notwithstanding the *Indulgence*, continue to be Guilty of *Schism*; The Consequence of which *Guilt*, may still rest upon their *Souls*, however it may cease to Affect their *Bodies* or *Estates*. For as no *humane Law* can render that *Lawful* which God hath *forbidden*, so neither can it make that *Void*, which God hath *Commanded*.

My Lords, I am Accus'd, under this Head, of Maintaining, that it is the Duty of *Superiour Pastors* to *Thunder out their Ecclesiastical Anathema's* against *Persons Intitul'd to the Benefit of the Toleration*; I hope, it hath evidently appear'd to your Lordships, that I advance no such *Position*. Sure I am, that my Words do not in themselves carry such a Meaning, nor does the *Connexion* of my Discourse require that Sense, or easily admit it. *Schismatics*, my Lords, are not the only Persons against whom *Ecclesiastical Censures* may be denounced; the *Works of Darknes*, which I referr'd to, as fit to be Reprov'd in that Part of my Sermon, where I speak of these *Censures*, are of the same kind with those mentioned by the *Apostle*, whose Words I produc'd, all *lewd and immoral Practices*; against these, my Lords, and against *Heresies*, and *Blasphemies* (a black Catalogue of which has been Display'd before your Lordships) I thought the *Anathema's* of the Church would be well employ'd; such *Anathema's*, I doubt not, my Lords, would be

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ratified in Heaven, and would therefore, by any Power on Earth, be Irreversible.

As to *Archbishop Grindal*, tho' I may seem to have us'd some undue Asperity of Expression concerning him, yet I charg'd him with nothing but what I had good Grounds for, from our *Historians*: It hath been made appear to your Lordships, that, on the Account of his *Remissness in Church Government*, he liv'd and dy'd under the High Displeasure of *Queen Elizabeth*; and whether therefore he, or *that Glorious Queen*, shall bear the Blame of his Disgrace, and Sufferings, is with all Humility submitted to your Lordships.

I hope, my Lords, I stand Clear in your Opinions, of the Charge advanc'd against me, in the *two first Articles*: and as my own Conscience Acquits, so I trust your Lordships will Acquit me, of whatever laid to my Charges in the third.

My Lords, I neither have Suggested, nor do in my Conscience believe, *that the Church is in the least Peril or Adversity from Her Majesty's Administration*. So far am I from any such Thoughts, that I am entirely satisfied of Her being a most affectionate Nursing-Mother to it. But I hope I may say without Offence, that the Church may be in Peril from other Causes, without any Reflection upon Her Majesty's Government, or any Contradiction to Her Royal Proclamation, and the Resolution of both Houses of Parliament, four Years ago. If the Church be in Danger, when the Christian Religion is evidently so, I hope it will be thought no Crime to say, it has scarce ever been in greater Danger than it is now, since Christ had a Church upon Earth. For besides that Deluge of Prophaneness and Immorality, which overspreads the whole Kingdom; besides the Variety, and growing Strength of those Schisms which weaken and divide us, and of those Heterodox Opinions, and damnable Heresies, which are daily publish'd and propagated among us; I verily believe, that never were the Ministers of Christ so abus'd and vilify'd, never was the divine Authority of the Holy Scriptures so Arraign'd, and Ridicul'd, never were Infidelity, and Atheism itself so Impudent, and Barefac'd, never were such horrid Blasphemies printed in any Christian State, from the Foundation of Christianity to this Day.

Out of the many Instances of this Kind, which, being ready at hand, I could have produc'd to your Lordships, I have Selected a few only; but those such, as I am persuaded your Lordships could not hear without Horrour and Astonishment. Pardon me, my Lords, if my Apprehension of the sad Consequences we may expect from such crying Abominations, have forc'd from me some Expressions, which upon a less Occasi-

on might seem too harsh and vehement. A man that dreads no *Danger* from such *unparallell'd Iniquities*, that do as it were call down Gods severest Judgments upon that *poor Church* and *Nation*, wherein they are *openly* and *daringly* Committed, must be dead in his *Love* for his *Country* and *Religion*. If I have disclos'd such a *frightful*, and *detestable Scene* of *Impiety*, which by reason of your Lordships *high Stations*, and *great Employments*, might possibly lie undiscover'd to your Sight before, I shall think my self *happy*, whatever shall befall me, if I may by God's Grace become the *mean Instrument*, of putting a stop to that *overflowing* of *Ungodliness* and *Blasphemy*, which as yet no *Laws*, no *Proclamations*, how well soever design'd, and how often soever repeated, have been able to restrain.

Nor ought I, my Lords, to forget, tho' it was forgotten by the *honourable Managers*, another *Ground of Danger* arising to this *Church* from the Attempts of *Popish Emissaries*, by me mention'd, I hope without the least Offence in my Sermon at *St. Paul's*, where I say, *It were highly to be wish'd that those excellent Laws made for the Defence and Security of the Church, were at present put strictly in Execution; for the Roman Catholick Agents, and Missionaries, that swarm about this great City, as 'twere in Defiance and Contempt of them, were never more busie in making Profelytes to their Superstition and Idolatry, and perverting and debauching Her Majesties Subjects in every Corner of our Streets.* I have not, my Lords, been called upon to prove the Truth of this *Passage*, nor has it been reckon'd among the *false Insinuations* I have made that the *Church is in Danger*, I pray God, the *Church* may be in no *Danger*, upon any of these *Accounts*! Her Majesty, your Lordships, and the *Commons*, have indeed provided against these *Dangers* by *wholsome Laws*, and I hope, I did not exceed the Limits of my *Function*, when, being call'd to Preach before *Magistrates*, I exhorted them to prevent these *Dangers*, by putting those *Laws* strictly in Execution.

Just had been the *Indignation* of the *Honourable House of Commons*, Just would be your Lordships most severe *Resentments*, if by any *Parallel* by me drawn, I had insinuated that the *Members of both Houses, who pass'd the Vote concerning the safe and flourishing Condition of the Church, had been then Conspiring its Ruin*; I have already purg'd my self from this *Imputation*, by observing, that the *Parallel*, ascrib'd to me, implies, that they who Voted *King Charles the First* to be out of *Danger*, and those who Conspir'd his *Death* were the very same *Persons*, whereas it is certain they were not; for, my Lords, the *Vote* about the *King's Safety* was pass'd by *Lords*
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and Commons a Year and half before his execrable Murther, which had been contriv'd by the Army, and was perpetrated by a pretended Ordinance of a small Remnant of the House of Commons (not a tenth Part of the whole) after the rest of the Members had been Imprison'd, or Secluded, and without the Concurrence of the House of Peers, who totally rejected it. You have had, my Lords, a very different Representation of this Fact made by one of the Learned Managers : but this, my Lords, is the real Truth, as recited in the Act of Parliament for the Attainder of the King's Murtherers ; and is an Evidence, that I could not possibly mean by any odious Parallel to Insinuate, that the Members of both Houses, who pass'd the Vote concerning the Safety of the Church, were then Conspiring its Ruin.

I humbly crave your Lordships Patience yet a little farther, whilst I speak to what is alledg'd in the Fourth Article, which charges me with many Crimes of a high and flagrant Nature ; none of which have been endeavour'd to be prov'd upon me, otherwise than from suppos'd Suggestions, and undetermin'd Expressions ; and I must still, with your Lordships leave, humbly insist upon it, that where the Expressions are doubtful, there the favourable Sense is always to be preferr'd.

After all that has been said by the Learned Managers for the Commons, What Minister of State, I beseech your Lordships, have I been prov'd to Reflect upon, directly or indirectly ? Where, and how do I, by any Suggestion, charge Her Majesty, or those in Authority under Her, with a general Male-Administration ? How do I persuade Her Subjects to keep up a Distinction of Parties, and Factions, while I Reprove those who divide us by knavish Distinctions, and while I persuade my Fellow-Subjects to lose and forget them ? How is it possible, I should stir up the People to Arms and Violence, when I am endeavouring to convince them of the utter Illegality of Resistance upon any Pretence whatsoever ? These Things, my Lords, seem to be Inconsistent, unless a Man may be thought a Rebel for Recommending Loyalty, or Seditious for Preaching against Sedition.

I remember, indeed, at the Opening of this Charge against me, that one of the Managers of the House of Commons, vouchsaf'd to offer his charitable Assistance towards Reconciling this seeming Inconsistency ; for he was pleased to suppose that, when I spake against resisting the Sovereign, I had not our gracious Queen, but some other Person in view ; and that I might therefore agreeably to my Principles of Non-Resistance, stir up the People to Arms and Violence against Her Sacred Majesty. Your Lordships will once more pardon my Earnestness, if I

call God to witness, that I utterly Detest any such *traiterous Intention*; and I should in my own Opinion be unworthy of the Name of a *Christian*, if I could give my self leave to cast such a *black and groundless Imputation* upon any one in *like Circumstances* with mine, who had given all possible *Evidences* of his *Duty* and *Affection* to the present Government. My Lords, I have taken the *Oaths of Allegiance* to Her Majesty, and that of *Abjuration* against the Pretender, and when therefore I preach'd the *Doctrine of Non-Resistance*, it is most apparent, that the Government, which I perswaded my Fellow-Subjects *not* to Resist, is the present Government; and I humbly conceive, that the present Government can never be Overturn'd, if it be never Resisted.

How true a Zeal, and Affection I have always born to Her Majesty's Person and Government, I leave to be Judg'd by your Lordships, and the whole World, from those publick Demonstrations which I have given of it, at all Times, when I had occasion to make mention of either. I hope your Lordships will pardon me, if I refer to some of my own printed Expressions, as an evident Proof of my unfeigned Duty and Allegiance. " If, to call it the most inestimable Blessing this Nation could Enjoy, that Her Majesty, the good and pious Relict of the Royal Family, sits now happily upon the Throne of Her Ancestors; if to Pray, that God may long preserve Her for the Comfort and Support of the Church, as the only Security, under God, it has to depend upon; If, earnestly to Contend for the Safety, Rights, and Establishment of Her Majesty, together with those of the Church; If, to Vindicate Her Majesty's Title to the Crown against the Usurpations, Pretences, and Encroachments of Her Adversaries, and to Assert Her Right to the Throne to have been so clear, manifest, and undoubted, that even Her worst Enemies (could such a pious Princess be suppos'd to have any) must acknowledge it; That She was Proclaim'd as 'twere by the Voice of God, in the universal Joy, Satisfaction, and Unanimity of Her Subjects, that Her personal Merit exempted from that, made Her worthy of a brighter Diadem than She wears; If, to persuade Her Subjects with the most hearty Zeal, and Generosity, to enter into a necessary War, for the Defence of Her Majesty, and the common Preservation of our Church, Liberties, and Constitution, against a powerful Adversary; If, to beseech God to Prosper so good an undertaking, to give an happy Event and Issue to such a Rightful Cause, to Crown our Arms with Victory, and to make them as successful, as they are Just and Honourable; And that, in order to this,

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“ we are all bound, both in Duty to God, and our Sovereign, as well as by our own Interest, unanimously, and heartily to Assist, and Support Her under this great Undertaking, as far as our Prayers, and Estates, Lives, and Fortunes can serve Her; If, to persuade Her Subjects, that the great and threatening Dangers of our Enemies, should have that just Effect upon us, to Unite us, as much in our Resolutions and Affections, as they do in our common Interests, Apprehensions, and Troubles; If, to Set out the Blessings we enjoy in the wise Constitution of our Government and Laws, in the most refin’d Policies of our Parliament and Ministry, in the Strength and Number of our Armies, Fleets, and Confederates, in the Care and watchful Vigilance, the Courage, Resolution and Conduct of our General, and *above all* in the Piety and Prudence of our *most gracious* Q U E E N; If, to affirm that She daily gives fresh Instances of Her Wisdom, in the happy Administration of Her Government, and in nothing more shews Her Policy, and distinguishing Judgment, than in making Choice of such Ministers of State, who are acceptable to their Country, and express such a Zeal and Steadiness in its Service and true Interests, and whom nothing could Bribe, or Betray into a Party, wherein it might any ways seem to be endanger’d: If, with the most ardent Requests to implore God’s Providence, which through so many Dangers and Difficulties has rais’d up, and preserv’d Her Majesty, to carry on these glorious Undertakings with Success, that She may be able to Restore and Settle the Peace of *Europe*, in its just Rights and Limitations; and that, as God has bestow’d a Crown upon Her in this World, as the Reward of these heroic and pious Designs, so, after a long Reign here he would advance Her to an higher Throne in Heaven, and dignifie Her with a glorious and immortal Crown hereafter: If this, my Lords, I say, is *falsely and maliciously* to Suggest, that Her Majesty’s *Administration both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution*; If this be charging Her Majesty, and those in Authority under Her, both in Church and State, with a general *Male-Administration*; If this be, as an *Incendiary*, to persuade Her Subjects to keep up *Distinctions of Factions and Parties*; If this be *Instilling groundless Jealousies, fomenting destructive Divisions, and stirring up Her Majesty’s Subjects to Arms and Violence*, against any but Her Enemies, then, my Lords, I am Guilty of *this Article of Impeachment*; otherwise, I am Innocent.

My Lords, I have always thought it *my Duty*, upon all *publick Occasions*, to Assert these Principles of *Loyalty and Subjection* to the Supreme Power, whenever I had a *proper Call* so to do; of this there are *numberless Witnesses* in those several Places to which I have belong'd. One of these I beg leave of your Lordships particularly to mention, *Magdalen College in Oxford*, whereof I am at present an unworthy Member; and which by the known *Sufferings* of the whole Body for the *Church and Constitution*, contributed as much towards the *late happy Revolution* as any *Society* in the *Kingdom*. To which *Honourable Society* I humbly appeal for my *Character and Behaviour*. I could also appeal for the same to a *Right Reverend Lord*, that now sits on the *Bench of Bishops*.

Had it been fit to have troubled your Lordships with *Evidences* of my *heartly Affection* to the *present Government*, I could have produced them in great Abundance, from the *Persons* with whom I have *Convers'd*, from the *Gentlemen* whom I have *Bred up*, and from the *Congregations* to which I have *Preach'd*. If my *Principles* had any *Tendency* towards *Alienating* the *Affections* of Her Majesty's Subjects; surely *some one Instance* of my *Disloyalty* to the *QUEEN*, *some favourable Expressions* towards the *Pretender*, *some Indications* of my *Dislike* to the *present Settlement*, and the *Protestant Succession*, might have been *pitch'd upon*, and *expos'd* to your Lordships, in order to *justifie* the *Charge of Sedition* against me. But I cannot but with *Pleasure*, observe to your Lordships, that from the *whole Course* of my *Actions*, no one *Instance* of *that kind* is *alleg'd*, or so much as *pretended*.

My Lords, The *Charge of wickedly wresting divers Texts of Scripture* lies very heavy upon me, as a *Christian and Minister of Christ*. If I am *Guilty* of it, there is another *Tribunal*, another *Bar* at which I am to appear, and where by *that Scripture*, which I have *wrested*, I shall be *Judg'd* and *Condemn'd*. In the mean time, my Lords, I hope that those, whose particular *Profession*, and *Studies* *qualifie* them to be the most *competent Judges* of such *Matters*, will *absolve* me in this *Particular*.

Upon the whole, therefore, my Lords, I hope it appears, that I am not guilty of any of the Crimes of which I am accus'd, that I have Transgress'd no Law of the Land, neither Statute, nor Common Law, relating either to Her Majesty, or to my Fellow Subjects, to the Church, or to the State: And that I may with all Humility apply to my own Case, the Words of that blessed Apostle, whole Doctrine I defend, and whose Example I hope I shall have the Grace to follow, Neither against the Law, nor against the Temple, nor against Caesar, have I offended any thing at all.

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What I have hitherto humbly offered to your Lordships relates to my *Words and Actions*; and as to the *Thoughts and Intentions of my Heart*, which are known only to God, and my own Conscience, and which are affirm'd in my *Impeachment* to be *wicked, seditious and malicious*; I call the *Searcher of Hearts* to witness in the most solemn, and religious Manner, as I expect to be acquitted before God, and his Holy Angels, at that Dreadful Tribunal, before which not only I, but all the World, even your Lordships, who now sit in Judgment upon me, must appear, to be *Acquitted or Condemn'd*; that I had no such wicked, seditious, or malicious Intentions; that there is nothing upon Earth, I more detest and Abhor; that my Designs were, in every respect, directly contrary. I had no Intention to asperse the Memory of his late Majesty, to traduce, or condemn the late Happy Revolution, or to arraign the Resolutions of both Houses of Parliament. So far was I from designing to undermine and subvert Her Majesty's Government, and the Protestant Succession as by Law Established, that it was my sincere Intention to exert my best Endeavours for their Security. So far was I from intending, to persuade Her Majesty's Subjects to keep up a Distinction of Parties and Factions, from instilling groundless Jealousies, fomenting destructive Divisions among them, or exciting and stirring them up to Arms and Violence, that my Aim was to persuade them to lay aside all Distinctions, to unite in one, well-compact Body, to be Obedient to their Governours, and to support the Present Establishment. So far was I from designing to defame Her Majesty's Administration, or to infuse any undutiful Thoughts of Her, that I not only pay Her all Honour and Obedience, but am from the bottom of my Soul zealously, and affectionately Loyal to Her; being entirely perswaded, that the Church is so far from being in Danger from Her, that She is as heartily affected to its Establishment, and Prosperity, as I hope I have always shew'd my self to be to Her Sacred Person and Government.

As to the *Protestant Succession by Law Establish'd*, tho' the Doctrine which I preach'd tends to the Security of it, (as I heartily desire every thing by me spoken should tend) yet having no Occasion in either of my Sermons to take Notice of it, I do nowhere in those Sermons mention it, nor say any thing that can be Interpreted to have any View towards it. Therefore tho' I cannot with my best Application apprehend, how it comes to be said in the Preamble to my Impeachment, that I had design'd to undermine and subvert it, yet I shall gladly take this opportunity of declaring my self before your Lordships upon that Subject. It is my Sincere and Hearty Prayer, that God would prolong the Life of Her Most Sacred Majesty, whose Exemplary Goodness

ness and Piety, gives us the best Hopes we have of *averting that Vengeance* which is due to the *Wickedness* of the Age we live in; that He would bless Her Councils at Home, and Her Arms Abroad, and make Her Reign exceed that of Her Renown'd Predecessor Queen Elizabeth, in Length, as well as Glory. But when the *Inheretrix of the Blessed Martyr's Crown*, and Piety, when She, the Desire of our Eyes, and the Breath of our Nostrils, shall full of Years, and Honour, be Gather'd to Her Fathers, and exchange Her Temporal for an Immortal Crown; (since we are depriv'd of that Prince, Her Royal Off-spring, whose Loss no true Lover of his Country, and of the Royal Family can reflect upon without a Bleeding Heart, and whom God in his Anger took from us, because we were *unworthy of so inestimable a Blessing*;) I earnestly beseech God, in defect of Future Issue from Her Majesty, to Perpetuate the Succession of the Crown, as it is Establish'd in the most Illustrious House of *Hannover*, which I look upon as, next to his Providence, the best Guard we have against Popery and Arbitrary Power, the best Security of our Church, and of the Constitution of our Government, which is the Glory and Happiness of our own Nation, and the Envy of all others. And I cannot yet apprehend, how the Doctrine which I have taught tends to weaken or undermine it; nor, on the other side, how the Doctrine of Resistance, which brought Her Majesty's Royal Grand-Father to the Block, (supposing it a true Doctrine) comes to be mention'd, or thought of, much less to be industriously maintain'd, as a necessary and indispensable Duty, under the most mild and gracious Administration of the best of Queens. Nothing seems more strange than that Resistance should be so carefully taught under such a Government, unless it be that Non-Resistance should overturn it.

So far was I therefore from having any of those *Wicked, Malicious, or Seditious Designs*, which are laid to my Charge, that my Intentions were, on the contrary, to instil the Principles of Loyalty and Obedience into my Fellow-Subjects, and withal, to put a stop to that Torrent of Lewdness, Irreligion, and Atheism, of which I have given your Lordships so many *flagrant Testimonies*.

Those outrageous Insults upon God and Goodness, are so provoking, that they may excuse some Heat, and Severity of Expression in a Minister of Christ, who has a just Sense of Religion, a due Concern for the Discharge of his Holy Function, or for the Honour of his Maker and Redeemer. And if any Objection be made against me, for Treating with an Unbecoming Bitterness such Daring Rabshekahs, who defy the Living God; I beg leave to Reply in the Words of a Reverend Father of our Church, Let them consider what Moderation, and Temper, a Man
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had need be of, that in this Nation, and this Age, shall speak against Faction, Rebellion (I add, Deism, Tritheism, and all sorts of Heresie, Blasphemy, and Atheism) without extraordinary Severity. Nay, it is our Duty in such Cases, to express our selves with Warmth and Sharpness, according to the Example of our Blessed Saviour; who, tho' Meekness it self, could not but shew the utmost Indignation at the Profaning the House of God. This is not, my Lords, to rail, but to rebuke; and those, who ridicule, or censure us for it, either have not, I presume, or will not own they have, a right Notion of the Dignity of our Office; will not consider that we are the Ambassadors of Christ, that we are commanded, in his Name, to exhort, and rebuke with all Authority; and that our Authority is deriv'd from those to whom it was said by our Blessed Saviour, *He that despiseth you, despiseth me, and he that despiseth me, despiseth him that sent me*: Whatever Expressions therefore in my Sermons may have slip't from me, which seem so far liable to Exception, as to carry a Sense I never intended (as he must be an Happy Speaker indeed, whose Words are altogether unexceptionable) yet I humbly hope, the above-mention'd Provocations will plead my Excuse, or that, at the very worst, some hasty, or even violent Expressions, shall not be deem'd High Crimes and Misdemeanors. I desire it may be farther consider'd by your Lordships, that I could have no Temporal Interests to serve by the Doctrines I advanc'd; and therefore could have no Design in view, but to discharge my Duty to God, as a Minister of Christ, and to my Sovereign, as a Faithful and Loyal Subject.

My Lords, These Things being humbly offer'd to the Consideration of your Lordships, I hope, that what I have already suffer'd, as a *suppos'd Criminal*, will be thought sufficient Punishment for one, who has offended against no Law yet in Being. It must be thought no little Grief, and Vexation to any ingenuous Man, to be brought to this Bar, under the least Suspicion of such Crimes as are laid to my Charge; but for a Person of my Function to have an Accusation of this Nature alledg'd against him, so heinously reflecting upon his Holy Character, is such a foul Blot, as though his Innocence should at least be clear'd by your Lordships, upon the most undeniable Evidence, must leave a Scar upon his good Name: which is to all Men dear, but much more so to those, whose whole Capacity of doing good in the World principally depends upon it.

My Lords, As the Matter of my Charge was highly criminal, so the Form and Manner of it ran in such general, and uncertain Terms, that 'twas impossible to know the Grounds of my Accusation; or how to defend my self, when I knew not where I should be attack'd. So that after I had provided as particular

an Answer as such a general Accusation would admit of, the Commons were pleased in their *Replication* to say, *That there were several Things in it Foreign to the Charge.* To the great Misfortune of falling under the Displeasure of that *Honourable House*, I might add, *That of a long and close Confinement, and of an Expence no ways proportion'd to my Circumstances.* These, my Lords, are Afflictions which can be conceiv'd by no Body so well as by him, who has been so unhappy as to feel the Weight of them. And among these I reckon it not the least of my Sufferings, that I have been for so long a time debarr'd, *from taking heed to that Flock, over which the Holy Ghost hath made me an Overseer.* For even since I have had my Liberry, by the Favour of your Lordships admitting me to Bail, I have purposely avoided doing any Part of the *Duty of my Function*, or even *appearing in Publick*, lest it should occasion any Tumult or Disturbance; as my *necessary Attendance* on your Lordships from time to time, has since been thought unhappily to have done, without any Fault of mine, or the least degree of Encouragement given by me, which I profess, in the presence of God, to abhor.

cc All these Circumstances, my Lords, being consider'd, together with the *Publick Manner*, the *Length* and *Solemnity* of my *Tryal*, before so August a Court of Judicature, by which Means I am made a Gazing-stock, both by Reproaches, and Afflictions, and a Spectacle to the whole World, I have stood in this Place Day after Day, to hear my self Accus'd of the blackest Crimes, and openly revil'd; I have been represented as a Papist in Disguise, as a Rebel, as an Enemy to Her Majesty's Person and Government, and a Favourer of the Pretender, tho' I have abjur'd him, (but not forgot him, as a Learned Person was pleas'd to say) that is, as the worst of Perjur'd Villains: I have been call'd an insignificant Tool of a Party on the one Hand, and a most dangerous Incendiary on the other, nay, an Angel, that is, a Devil, detach'd from the Infernal Regions: All these things, I say, being consider'd, (and your Lordships I am sure, in tender Compassion to me, will consider them,) it is most certain, that, whatever be your Lordships Determination concerning me, I cannot escape without being a very great Sufferer, and I shall have been abundantly punish'd, tho' I should have the Happiness to be by your Lordships at last Acquitted.

Yet I cannot Reflect without Comfort, (the greatest of Comforts next to that of a good Cause, and a good Conscience) that I Answer for my self this Day before the most Illustrious Assembly in the World, the whole Body of the Nobility of Great Britain; whose Princely Extraction, and High Quality, whose Magnificent Titles, and Splendid Fortunes, whose Hereditary Candor and Generosity, inherent in Noble Blood, inseparable from the Birth
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and Education of Peers; in a Word, whose *Solid Judgment* and *exact Skill* in the *Laws of this Realm*, so eminently Qualify them for the *final Determination of Justice*; who are neither to be *sway'd by Hopes*, *over-rul'd by Fears*, or *mis-led by any False Prejudice or Passion*. If it must be a Man's *Misfortune to labour* under such *hard Circumstances as mine*, it is no small *Mitigation* of them, that he *Pleads his Cause* before *such Judges*, who, he knows, will *Decide it with the strictest Impartiality, Equity, and Honour*.

And when I consider that I *now stand*, and *am Judg'd for* some of the *Doctrines of that Gospel*, which God *deliver'd unto our Fathers*, and you, my Lords the Bishops, their *Successors*, have receiv'd from *Christ and his Apostles*, as the *Sacred Depositum* of the Church, to be *Maintain'd inviolably in its Primitive Simplicity*; when I consider, what is the *Cause for which I am this Day call'd in Question*; that it is *One of those Eternal Truths*, which you are so *Solemnly commission'd to Teach*, and *earnestly Contend for*; when I consider, that 'tis what our *Blessed Lord* and his *Apostles* seal'd with their *precious Blood*, and so many *Primitive Martyrs* maintain'd even in the midst of *Flames*, so many *Learned Bishops*, and *Confessors* recommended to *Posterity* in their *immortal Writings*, as the *distinguishing Badge*, and *Glory of our Reformation*; nay, when I consider, that 'tis what you your selves have already supported with *incontestable Reason*, and *Authority*; it is no small Satisfaction to me to think, that as your Lordships are my *Judges*, so, I hope in God, you must be my *Advocates*. What a *Guilt*, as well as *Disgrace*, would it justly devolve upon the *Clergy*, to *recede from any Principle* of our *excellent Church*, especially from what has been so long *retain'd*, and *boasted of*, as its *peculiar Character*! By *abandoning* which we must *relapse* into some of the *worst Doctrines* even of *Popery* it self, and render our selves the most *contemptible*, as well as *inconsistent Church* in the *World*! I think, I may therefore with *Confidence* use the Words of the *Great Apostle* to his *Accusers*; Having obtain'd *Help from God*, I *continue unto this Day*, witnessing both to *small and great*; saying none other Things than those which the *Prophets and Moses* (I may add, *Christ and his Apostles*;) *did say*.

For, my Lords, if I have committed any *Faults or Errours* in *Expression*, yet as I *insist upon my Innocence* with respect to *all the High Crimes* laid to my *Charge*, so I must still *insist upon all the Doctrines* which I have taught, as being *agreeable to the Word of God*, and to the *Doctrine of our excellent and Apostolical Church*, and which we of the *Clergy* are oblig'd both by *Subscription*, and *Oath* to *acknowledge*, and *defend*. And *how hard are our Circumstances*, if we must be *punish'd in this World*

World for doing that, which if we do not, we shall be more heavily punish'd in the next! What a Condition are we in, if we are commanded to cry aloud and spare not, to exhort, rebuke, in Season and out of Season, on the one Hand, and persecuted, imprison'd, ruin'd on the other! If this be our Case, who indeed is sufficient for these Things? And how truly may we of the Ministry above all Men living, apply to our selves those Words of the Apostle, *If in this Life only we have hope in Christ, we are of all Men most miserable*: But our Comfort is, that our Hope in Christ is not only in this Life. Justly might we be reproached, and deserve some of those Reflections, which in these Licentious Times are so plentifully pour'd upon us, were we not ready to Practise the Doctrines we preach, of Self-Denial, taking up our Cross, and patient Submission to Sufferings and Afflictions! For my own Part, it matters not what becomes of me, nor is my Deliverance, or Ruin, of any Moment to the World; or, if it be, I am ready not only to be bound, but to dye, could I by that do Service to my Queen, my Church, or my Country; neither count I my Life dear, so that I might finish my Course with Joy, and the Ministry which I have received of the Lord Jesus. But may God so direct your Lordships, that through me a Wound may not be given to the Doctrines of the Scriptures, and of the Church, which Christ hath purchas'd with his own Blood.

And so, with all Humility and Resignation, I submit my self to your Lordships Judgment; be it what it will, one Thing I am sure it can never take from me, the Power of *Wishing* and *Praying*, and (whether in Prosperity or Adversity, whether I am Acquitted, or Condemn'd,) I shall always pray for the Queen my Sovereign, for your Lordships my Judges, and for the Commons my Accusers; most earnestly beseeching Almighty God, to deliver all Orders, and Degrees of Men amongst us, from all false Doctrine, Heresy, and Schism, from Hardness of Heart, from Contempt of his Word, and Commandment; from Envy, Hatred, and Malice, and all Uncharitableness.

Then the Lords Adjourned to their House above.

Thursday, March 9. The Ninth Day.

THE Lords coming down into Westminster-Hall, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before:

Lord Chancellor. Gentlemen, you that are Managers for the House of Commons may now proceed to your Reply.

Sir Joseph Jekyll. **M**Y Lords, *Doctor Sacheverell* and his Council having concluded what they had to offer to your Lordships, I shall enter upon the Province assign'd to me, in further Execution of the Commands of the House of Commons, which is, to reply to the Defence made for the Doctor to the first Article of the Commons Charge.

My Lords, I shall take Notice, first, of the Concessions made by the Doctor's Council; secondly, of the Exposition they have put upon those Passages of the Sermon, which have been relyed on by the Commons to maintain this Article; and, thirdly, of the Acts of Parliament, the Homilies, the Books, the Sermons, the Pamphlets and the Gazette, which the Doctor's Council have call'd for to be read to your Lordships.

And if I shall satisfy your Lordships, that the Concessions made by the Doctor's Council are a Departure from the Defence made for him in his Answer, that they are extorted by Necessity, and are likely to be retracted when this Turn is serv'd; if I shall shew your Lordships, that their Exposition of the Passages in the Sermon, is contrary to the plain Meaning of those Passages; if I shall shew, that the Acts of Parliament, the Homilies, and the other Prints that have been produc'd, are either immaterial, or condemn the Doctrine laid down in the Sermon; and if I shall shew, that this Criminal, for so I must call him, since the House of Commons have call'd him so; (whether he will be so in the Event, I agree, rests only in your Lordships Judgment); if I say, I shall shew he is guilty of a most heinous Offence, I shall not doubt of your Lordships Justice.

My Lords, The Concessions are these, That Necessity creates an Exception to the General Rule of Submission to the Prince, That such Exception is understood or implied in the Laws that require such Submission, and That the Case of the Revolution was a case of Necessity.

These are Concessions so ample, and do so fully answer the Drift of the Commons in this Article, and are to the utmost Extent of their Meaning in it, that I can't forbear congratulating them upon this Success of their Impeachment; that

that in full Parliament this erroneous Doctrine of unlimited Non-Resistance is given up and disclaim'd. And may it not, in after Ages, be an Addition to the Glories of this bright Reign, that so many of those who are honour'd with being in Her Majesty's Service, have been, at your Lordships Bar, thus successfully contending for the National Rights of Her People, and proving they are not precarious or remediless.

But to return to these Concessions; I must appeal to your Lordships whether they are not a total Departure from the Doctor's Answer, whether there is one Word in the Answer which looks that Way.

In his Answer he takes Notice that the general Assertion in his Sermon, *of the utter Illegality of Resistance*, is a colourable Pretence for the Article; but does he add the Exception or Limitation to it, which hath been now thought necessary, to be reveal'd and hath been insisted upon as most material for his Defence? No, my Lords, but the quite contrary, for these are the Words of his Answer, *The said Henry Sacheverell doth with all Humility aver the Illegality of Resistance, on any Pretence whatsoever, to be the true Doctrine of the Church of England.* Now, could any thing have been more material for him in his Answer, than adding that Restriction to his general Assertion in his Sermon, which his Council now say he intended, though he did not express? Or if this was his Intention, could he possibly have forgot it, when the Frame of his Answer was under Consideration?

But now he sees the Resolution of the Commons, and the Endeavours of those who have their Commands to carry on this Prosecution, to bring him to Punishment; now he sees your Lordships daily Attendance upon his Tryal, and your Attention to the Charge against him; now he sees, if he had abided by his Answer, *he must have been Condemn'd, or the Revolution*; these are the Motives which have prevailed upon him to tolerate his Council to make these unwilling Concessions, and have extorted them from him.

And how little these Concessions ought to avail him, your Lordships will see, when you consider how likely it is he will retract them when this Turn is serv'd. May we not then expect he will use this very Argument of Necessity, the Coercion or Restraint he is under by this Prosecution, as an Excuse for these Concessions? And when your Lordships are told, that it is the Duty of Divines (whose Office it is to explain the Scripture to the People) to inculcate this Doctrine of Non-Resistance in the most unconfinn'd and unlimited Terms they are able, and *mentally reserve* the Exception to themselves; when Authorities have been produced for asserting
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this Doctrine in such a manner as to exclude any Exception whatsoever, and the Doctor himself did not expressly come into these Concessions, it is certain they ought not to be of any Avail to him.

I come then to consider the Exposition put by the Doctor's Council on those Passages, which the Commons relied on for Proof of their first Article: And I shall shew that Exposition to be contrary to the plain Meaning of those Passages.

My Lords, I readily agree, that *no strain'd Innuendo's, or suppos'd and forc'd Constructions* (which are the Words us'd in the Reasons given, for reversing the Judgment in Sir Samuel Barnardiston's Case) ought to be admitted, to explain the Meaning of the Doctor, in order to prove him Criminal. I think the Principles laid down upon the Reversal of that Judgment are solid and just, and therefore nothing but express Words, or a necessary Implication collected from a Man's Words, can make any one an Offender. But I would not have it gone away with, that there must be express Words of Scandal to make a Man Criminal; indirect or oblique Scandal has in all Times been met with, and punish'd in the ordinary Courts of Justice; and if it were otherwise, that which aggravates the Crime the Subtilty or Contrivance of it would prevent the Punishment: And therefore it is that Ironical Scandal, nay, even dumb Scandal, Scandal by Pictures, or by Signs, as is mention'd in the Case *de Libellis Famosis*, in my Lord Chief Justice Coke's fifth Report, is punishable by Law; the only Caution necessary in these Cases is, that the Construction or Interpretation be not strain'd or forc'd. And, my Lords, in this Case we have not only a seditious Meaning plainly collected from the Doctor's Words, but express Criminal Words, a false Suggestion, that his late Majesty in his Declaration disclaim'd the least Imputation of Resistance, introduc'd for a malicious and seditious Purpose.

My Lords, The first Article has been rightly divided into three Parts; the Doctor is charg'd with suggesting and maintaining, First, That the necessary Means us'd to bring about the Revolution, were odious and unjustifiable; Secondly, That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance; and, Thirdly, That to impute Resistance to the Revolution, is to cast black and odious Colours on his late Majesty and the Revolution.

The two last Branches, my Lords, are Particulars, the first is the General; and if the two last are proved, such Proof makes out the first; but I shall consider the Answer given by the Doctor's Council to the Proof of the two last Branches in their

Order, and proceed to consider the Answer that has been given to the proper Proofs of the first.

cc My Lords, The first Proof of this Branch was the general Assertion of *the utter Illegality of Resistance upon any Pretence whatsoever.* It hath been said in Answer to this, that this is spoken of the Supreme Power, which is the Legislative Power, and then there ought to be no Exception whatsoever.

But, my Lords, that the Doctor did not mean the Supreme Legislative Power, but the Supreme Executive Power, is evident.

First, From the Account he presently gives of those that oppose his Principle of Non-Resistance, which runs all along upon the Person of the Prince only, *as Cancelling their Allegiance, calling their Sovereign to Account, Dethroning and Murthering him.*

Secondly and Principally, From his bringing in the Case of the Revolution, as urg'd by those who are Adversaries to his Principle of Non-Resistance. Now the Revolution is not, cannot be urg'd as an Instance of the Lawfulness of any thing, but of resisting the Supreme Executive Power acting in Opposition to the Laws; and this the Doctor himself admitted, when he told your Lordships that *the Supreme Power was not then resisted.* This is therefore the Supreme Power he affirms. In his Sermon it is utterly unlawful to resist.

But it was said by one of the Doctor's Council, *That the Non-Resistance the Doctor preaches up, is the utter Illegality of resisting the Supreme Power in all Things lawful;* for those Words, *in all things lawful,* make part of the Sentence. My Lords, I admit they do; but those Words are relative to his Assertion concerning Active Obedience, and not Passive, as will appear by reading the whole Sentence: *The grand Security of our Government, and the very Pillar upon which it stands, is founded upon the steady Belief of the Subjects Obligation to an absolute and unconditional Obedience to the Supreme Power in all Things lawful, and the utter Illegality of Resistance upon any Pretence whatsoever.* The one dividing Member of the Sentence is, the Obligation to Obedience in all Things lawful; the other, the Illegality of Resistance on any Pretence whatsoever; the one is restrain'd, the other unlimited. It must be taken therefore (notwithstanding these Objections) That the Doctor asserts the utter Illegality of Resistance to the Supreme Executive Power, tho acting not in Conformity, but in Contradiction to the Laws.

cc My Lords, I go on to the second Proof of the first Branch of this Article, which is the Doctor's Insinuation that the Parliament disown'd the Resistance at the Revolution, by declaring they set the Crown on the King's Head on no other Title than of the Vacancy of the Throne. One of the Council thought fit

to stand to this Fact, because the Vacancy of the Throne is mention'd in the Bill of Rights; and, he says, there is no other Fact there stated. I beseech your Lordships, does not the same Act take Notice of the several Facts or Instances of the Male-Administration of King *James*, and his Abdicating the Government, as the means by which the Throne became void? And I may Appeal to your Lordships Journal, and the Journal of the House of Commons, whether the Word *Abdicated* was not chose rather than the Word *Deserted*, after a Conference between the two Houses for this Reason (insisted on by the Commons,) *that the Word Abdicate, included in it Male-Administration, which the Word Desert did not.*

The same Council said, the *Act for preventing Vexatious Suits*, urg'd by the Commons as a Parliamentary Declaration, justifying the Resistance at the Revolution, was only for indemnifying those that acted at that time, and was no more than was done in the Reign of *Edward the Third*, after *Edward the Second* was Dethroned. This surely is no manner of Answer to the Declaratory Part of that Law, which takes notice of the *King's undertaking a glorious Enterprize, for delivering the Kingdom from Popery and Arbitrary Power, and that divers Subjects, in Aid and Pursuance of that Enterprize, did several Acts of Violence and Resistance, and this Law declares such Acts were necessary, and ought to be justified.* And I can't but observe this by the way, that the Parliament and the Doctor are of different Opinions; the Parliament thought that Resistance ought to be justified, the Doctor thinks not; and thus *Doctor Sacheverell doth suggest and maintain, that the necessary Means used to bring about the Revolution were odious and unjustifiable.*

I come now, my Lords, to the second Branch of the first Article, the Doctor's Assertion, That his late Majesty in his Declaration disclaim'd the least Imputation of Resistance; and the Doctor's Answer to it.

My Lords, His Council admit this Assertion is in the Sermon, and that this Assertion is not true; but they say it was a Mistake only in the Doctor, that the Doctor has express'd himself somewhat obscurely, and now he has explain'd himself, that Explanation ought to be receiv'd. The Doctor meant, they say, Conquest; and so he had explain'd himself, not only in the Marginal Note, but in the Sermon it self. My Lords, if this were so, I admit it would be a good Defence; but that this was not a Mistake, or rather was a wilful one in the Doctor, and that he thereby design'd to Traduce the Memory of his late Majesty and the Revolution, I shall shew from what his own Council insist on.

They say the Doctor must mean Conquest, because the Prince of *Orange* who was no Subject, but a Sovereign Prince, could not be said to resist according to the common Understanding of that Word. My Lords, it is true, the Prince of *Orange* could not be said to resist, and so could not disclaim Resistance for himself; but could he not be join'd and assisted by the Subjects of the Realm, who might be said to resist, and were invited by him so to do? Doth not this appear by the whole Tenor of his Declaration, and even by the Passages quoted by the Doctor? And since his late Majesty could not be said to resist, but the Subjects, who, upon his Invitation join'd with him, could, and the Resistance of Subjects is what the Doctor is speaking against; it is plain, that the Doctor speaks of the King's disclaiming Resistance, and not Conquest. And therefore I cannot see that the Quotation of the Passage out of the Prince's Declaration, at the bottom of this Page of the Sermon, doth make out that he meant Conquest, by Resistance; or if it did, would it excuse the Doctor's Preaching this Part of his Sermon, which was done without referring to that Passage?

But it is said, he has explain'd that he meant Conquest by Resistance in the Body of the Sermon, because he says *the Parliament burnt a Libel that would have pleaded the Title of Conquest, by which Resistance was supposed*; but that this Passage doth not make out that he meant Conquest by Resistance, is evident, from his making Resistance not to be Conquest, but only an Ingredient in it. And by representing Resistance and Conquest to be the same thing with the Doctor, he is made to say, that the Parliament burnt a Libel that would have pleaded the Title of Conquest, by which Conquest is suppos'd.

It is plain therefore that *Doctor Sacheverell hath Asserted that his late Majesty in his Declaration disclaim'd the least Imputation of Resistance, and disclaim'd it at a Time, if you'll believe the Doctor, when he was exhorting the Subjects of King James to resist, and was joining with them, and encouraging them in it; than which it is impossible there can be a greater Reflection on his late Majesty, or the glorious Cause he then had in Hand.*

My Lords, I come now to consider the Proof of the third Branch of the first Article, and the Answer that has been given to it. The third Branch is this, *That to impute Resistance to the Revolution, is to cast black and odious Colours upon his late Majesty and the Revolution*; the Proof is that part of the Sermon wherein the Doctor asserts, *That the Adversaries to the Doctrine of Non-Resistance, who urge the Revolution in their Defence, are the greatest Enemies to that and his late Majesty, and*
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the most ungrateful for the Deliverance, in endeavouring to cast such black and odious Colours upon both: How often must they be told, &c. The Answer to this is, That the Persons the Doctor describes, as casting black and odious Colours on his late Majesty and the Revolution, are not those who impute Resistance to the Revolution, of whom he affirms nothing, but those new Preachers and new Politicians, who teach Antimonarchical and wicked Doctrines, and who urge the Revolution in Defence of 'em.

My Lords, If the Doctor had meant these Persons, he would have shewn them, which he certainly might have done, that what was acted at the Revolution, did not in the least justify their Opinions: but he declining to do this, and placing the Defence of the Revolution on a false Fact, known to be so to himself and to the whole Nation, and this, taken together with his introducing these Men as defending their Principles by the Revolution, leaves the Load of these detestable Opinions on the Revolution, and not only condemns the Resistance at the Revolution, but brands it.

But it is said, my Lords, that the Clause, *Our Adversaries think they effectually stop our Mouths, &c.* relates to the Defence of these Antimonarchical Principles, and not to the general Proposition of the utter Illegality of Resistance upon any Pretence whatsoever; and if so, I agree there is no Foundation for this Branch of the Article; and whether he is guilty of this Branch or not, turns entirely on this Question.

My Lords, I little thought such a Construction would have been endeavoured, by a wrong Recital of this Clause in the Sermon, by the Doctor in his Answer: For there it is said, as from the Words of the Sermon, *That they, that is,* says the Doctor, *these new Preachers and new Politicians, urge the Revolution in Defence of such Principles;* when your Lordships see the Words of the Sermon are, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence.* This therefore brings the Case of the Revolution, urg'd by these Adversaries, in their Defence, to the Point or Proposition he had before laid down, which was the *utter Illegality of Resistance on any Pretence whatsoever*, and not to the Defence of divers Antimonarchical Principles, taught by the new Preachers and new Politicians; and this is still plainer, if your Lordships consider that the Doctor's Reply to these Adversaries, by denying there was any Resistance at the Revolution, can only relate to the Point of Non-Resistance he had before asserted, and which Resistance, if it were not denied, must stand condemn'd by the Doctor's Proposition.

As little, my Lords, did I expect to hear from one of the Doctor's Council, that there are twenty or thirty Lines between the general Proposition and this Clause ; since if there be a Connexion between this Clause and that Proposition (which I have already shewn there is) it is not the Intervention of so many Lines will hinder it ; and if there had been no Connexion, their being near to one another would not have made one. And by this manifest Connexion, the Doctor hath brought this general Position, of the Unlawfulness of all Resistance, to bear upon the Revolution ; which I hope may serve for an Answer to the same Gentleman, who says, It is one thing to lay down the General Rule without making the Exception, and another thing not to make the particular Exception out of that Rule ; for the Doctor has mentioned the Revolution, but not in order to except it, but to include it.

But, my Lords, the learned Civilian who is of his Council pretends to have found out the Exception in the Sermon, Page the 10th, because he finds the word *Necessity* there ; the words are these, *Only this Maxim in general I presume may be establish'd for the Safety, Tranquillity and Support of all Governments ; that no Innovation whatsoever should be allowed in the Fundamental Constitution of any State, without a very pressing, nay, unavoidable Necessity for it :* But if He had but read to the end of the Sentence, he would have found that Doctor Sacheverell condemns all that bore a part in the Revolution, before a Law was made about it ; the Words that follow, are these, *And whosoever singly, or in a private Capacity, should attempt it, is guilty of the highest Misdemeanour, and is an Enemy to that politick Body of which he is a Member :* And if that Sentence respects the Revolution, then Doctor Sacheverell condemns all, from the highest to the lowest, who, in their private Capacity, joined with His late Majesty, or assisted in bringing about the Revolution : This is the Thing he is now charg'd with, not condemning the Revolution as a Thing settled by Law, but the necessary Means used to bring it about. And if the Doctor instructed his Council to insinuate, that there was any Innovation in the Constitution wrought by the Revolution, it is an Addition to his Crime, No, my Lords, the Revolution did not introduce any Innovation ; it restor'd the ancient Fundamental Constitution of the Kingdom, and gave it its proper Force and Energy.

Indeed, all the other Council differ'd from that learned Civilian, and maintain'd that Doctor Sacheverell did not, nay, ought not, to make any Exception ; and one of 'em said, if Clergymen, instead of preaching up the general Rule of Obedience, were permitted to state the several excepted Cases, such

such Exceptions would in time devour all allegiance. My Lords, If the Doctor had pretended to have stated the particular Bounds and Limits of Non-Resistance, and told the People in what Cases they might, or might not resist, he would have been much to blame; nor was one word said in the Articles, or by the Managers, as if that was expected from him; but on the contrary, we have insisted, *that in no Case can Resistance be lawful, but in case of extreme Necessity, and where the Constitution can't otherwise be preserv'd, and such Necessity ought to be plain and obvious to the Sense and Judgment of the whole Nation*, and this was the Case at the Revolution: And is there no Difference between a Divine's mooted and putting Cases of lawful Resistance, and excepting the Resistance at the Revolution out of the general Rule of the Illegality of Resistance, on a Day, when he was obliged not only to commemorate the Revolution, but the Resistance, the necessary Means used to bring it about, as appears by the Service appointed for that Day? And, my Lords, is a House of Commons, who are vindicating that Revolution only, to be represented as if we were calling upon the Divines to state the Cases wherein Resistance is lawful, and wherein not? A Task unfit for any one, and more especially for them to meddle with: And are we, by such Suggestions as these, to be defam'd and insulted, and represented as promoting Anarchy and Confusion?

My Lords, There can be no Order or Regularity, if the Constitution, this beautiful Frame of a legal Monarchy, which this Nation hath so long enjoy'd and prosper'd withal, be destroy'd or given up; What Inclination has the present Age shewn to submit to Arbitrary Power; or rather, what hath been wanting in it to shew the contrary?

But I go on, my Lords, to consider an Argument made use of by another of the Doctor's Council, That it was needless for him to except the Case of the Revolution, for that was known to every body, and had often been approv'd by the Legislature. I beseech your Lordships, could the Doctor know this, and not only not except that Case, on a Day appointed to give solemn Thanks for it, but introduce it for no purpose but to leave it under the Condemnation of the General Rule of Non-Resistance; and by this Method the Doctor has brought his General Rule to bear upon the particular Case of the Revolution, for he takes but one way of acquitting the Revolution, which is by laying down that for Truth, which every Man knows to be false; and they that assert this Truth, he says, *cast black and odious Colours on the late King and the Revolution*; which makes out, that Doctor Sacheverell doth suggest and main-

tain, that to impute Resistance to the Revolution, is to cast black and odious Colours on his late Majesty and the Revolution.

I am sensible how tedious I must have been in this nice tracing the Answers given by the Doctor's Council to our Proofs of this first Article; but because the Judgment of the Case will depend very much upon it, I am iure I shall have your Lordships Pardon.

And now, my Lords, what a Representation is here of that glorious Transaction, the late happy Revolution! The part the Subject had in it is represented as contradicting the express Command of God in Scripture, and destructive of all Governments; his late Majesty is represented as encouraging this pernicious Wickedness, and disowning it at the same time! Give me leave therefore, on behalf of the Nation, and the Memory of his late Majesty its Deliverer, to state this Affair shortly, and in another Light to your Lordships.

The Subjects resisted, the late King join'd his Arms with the Arms of Resistance; and if the Nations at that time had not had recourse to that Remedy, how abject and how miserable must they have been! If we look into the Histories of other Countries, have not the best and happiest Nations been most tenacious of their Liberties? And while they have continued so, and withstood Arbitrary Power, they have been prosperous at home, and considerable abroad; but, when they have fallen from this Zeal, Industry, which is the Foundation of their Prosperity at home, and Magnanimity, which makes them considerable abroad, have deserted them, and they have sunk into Sloth and Effeminacy: Can any one therefore with any Colour say, that Resistance in Cases of extreme Necessity has worse Consequences than unlimited Subjection?

Let us now turn our Eyes a little on the Part our late King had in the Revolution: Did he not undertake a most hazardous Enterprize to procure us Happiness at home, and to give us that Weight abroad which this Nation had long enjoy'd, but at that time was depriv'd of? And with what Care and Anxiety, even to the last Moments of his Life, did he labour to secure these Blessings to us!

Let us look beyond his Time, and since, for the Sense of the Nation upon this Point: What Satisfaction did the Nation take in the Assistance his Renowned Predecessor, Queen Elizabeth, gave to the oppressed Provinces, our then good Neighbours, and our now Potent Allies? How zealously did the Nation promote the Assistance King James the First gave to the injur'd Prince Palatine, against the Emperour his Superior Lord? And what Resolution and tender Concern for the persecuted Rochellers did King Charles the First shew and express?

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And has not Her Majesty assisted the *Spaniards* against a Prince acknowledg'd by them, and seated on the Throne? Nor did Her Goodness, which is as extensive as Her Power, over-look the poor Estate of the People in the *Cevennes*, or neglect to give them all possible Assistance against their King exercising a cruel Dominion over them: These, and many more Instances which might be fetch'd from other Countries, are so many Authorities against this Doctrine of unlimited Non-Resistance.

And now, my Lords, I come to consider the Authority the Doctor pretends to have for it; his Council say, they have Acts of Parliament for this Doctrine: I shall not mention the particular Acts, because they are well known, but consider them under three Heads. First, Those Acts that were before the Restoration. Secondly, Those after the Restoration, and before the Revolution. And, Thirdly, Those after the Revolution.

My Lords, As to those before the Restoration, I readily admit they condemn Resistance generally, they don't mention any Exception. The Council of the other Side have furnish'd me with an Answer to 'em, they say, These and all other Laws have an Exception imply'd in them: The Wisdom of the Law, in not expressing the Exception, is plain; It is neither decent, nor probably would it have a good effect, to put odious Cases, such as a Prince's overturning the Constitution: The *Roman* Law did not provide against Parricide. nor doth the *English* Law neither, since it hath no distinct Punishment for that kind of Murder, tho' it hath some for others which are call'd Petty Treasons. Laws are fram'd upon a View of ordinary and common Cases, *Ad ea quæ frequentius accidunt jura adaptantur*, is a known Maxim, and of great use in the Exposition of Laws. And if our Legislators had been ask'd the Question, Whether they meant by those Laws to make all other Laws, and even those Laws themselves, of no Validity; (which, if the absolute Power of the Princes can't be withstood, wou'd be the certain Consequence) wou'd they not have answer'd, Nothing was farther from their Thoughts? And if it be *Maledicta Expositio quæ corrumpit textum*, apply'd to any particular Law, what a cursed Exposition must that be, which corrupts, or rather annuls the Text of all the Laws at once?

My Lords, The next Head of Acts are those after the Restoration, And before the Revolution. I do admit, those Laws go farther than the former, and seem to condemn all Resistance, and in such Terms, as to exclude any Exception whatsoever. My Lords, What I have said relating to the former Laws, may be apply'd to these; but further, I desire it may
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be consider'd, these Legislators were guarding against the Consequences of those pernicious and Antimonarchical Principles which had been broach'd a little before in this Nation ; and those large Declarations in favour of *Non Resistance* were made to encounter or obviate the Mischief of those Principles, as appears by the Preamble to the fullest of those Acts, which is the Militia-Act, in the 13 of King Charles the Second ; the Words of that Act are these, *And during the late Usurped Governments, many evil and rebellious Principles have been instilled into the Minds of the People of this Kingdom, which may break forth, unless prevented, to the Disturbance of the Peace and Quiet thereof: Be it therefore Enacted, &c.* Here your Lordships may see the Reason that inclined those Legislators to express themselves in such a manner against Resistance : They had seen the Regal Rights swallow'd up under the pretence of Popular ones ; and it is no Imputation on them, that they did not then foresee a quite different Case, as was that of the Revolution, where, under the pretence of Regal Authority, a total Subversion of the Rights of the Subject was advanc'd, and in a manner effected ; and this may serve to shew, that it could not be the Design of those Legislators to condemn Resistance in a Case of Absolute Necessity for preserving the Constitution, when they were guarding against Principles which had so lately destroy'd it ?

But now, my Lords, let us see how the Laws run after the Revolution. Your Lordships will find that the Resistance at the Revolution is not only approv'd of in express Terms, by *the Act for preventing Vexatious Suits* ; and indeed every Act pass'd since the Revolution is an implicit Approbation of it. But the Declaration of the *Unlawfulness of taking Arms against the King on any Pretence whatsoever*, requir'd to be taken by the Corporation-Act, the Militia-Act, and the Act of Uniformity, is now repeal'd. There was another Act requiring that Declaration mentioned by one of the Doctor's Council, the Act for regulating Select Vestries ; that Act expir'd in King Charles the Second's Time, and was never continu'd. The first Gentleman that spoke for the Doctor said, in Answer to the Repeal of this Declaration by a Clause in *the Act of the first of King William and Queen Mary, for abrogating the old Oaths, and appointing new ones*, that it is a very tender Repeal, if it be one. I did not, my Lords, well understand his meaning : But I am sure that is a very tender Answer, if it be any at all. My Lords, if it be thought that this Declaration, as it is enjoind by the Corporation-Act, is not repeal'd, because the Corporation-Act is not particularly mentioned in the Clause of the Act of the first of King William and Queen Mary, which re-
peals

peals the Declaration : I answer, After the Militia-Act, and the Act of Uniformity are mentioned, there follow general Words, *any Law or Statute to the contrary notwithstanding* ; and this repeals the Declaration as to that Act, as well as to the other two Acts. And this Opinion has prevail'd Universally ; and if it were otherwise, there is scarce a Corporation in *England* but would be dissolv'd by the Incapacity of their Members.

But the same Council argu'd, That the Doctrine mention'd in that Declaration must be true Doctrine, or the Declaration would not have been enjoin'd and taken so long as it was, and the Repeal don't make the Proposition false, and we might as well argue the *Solemn League and Covenant* to be a lawful Oath. My Lords, As to the Declaration against the Covenant, that was consider'd as a temporary thing only, and by the Act of Uniformity was to cease upon the 25th of *March* 1682, and therefore not at all to be compar'd with the other Declaration, which was intended to be perpetual. As to the Truth of the Doctrine in this Declaration which was repeal'd, I'll admit it to be as true as the Doctor's Council assert it, that is, with an Exception of Cases of Necessity ; and it was not repeal'd because it was false, understanding it with that Restriction ; but it was repeal'd because it might be interpreted in an unconfin'd Sense, and exclusive of that Restriction, and being so understood, would reflect on the Justice of the Revolution ; and this the Legislature had at heart, and were very jealous of, and by this Repeal of that Declaration gave a Parliamentary or Legislative Admonition against asserting this Doctrine of Non-Resistance in an unlimited Sense.

My Lords, I must confess I did not expect to hear the Association and the Abjuration Oath brought in as asserting this Doctrine ; if they do, this may serve to account for their taking them who believe that Doctrine, which otherwise perhaps they would be at a loss to find an honest Reason for. But, my Lords, *engaging to stand by and assist one another against all the King's Enemies, or swearing to defend the King or Queen against all Traiterous Conspiracies*, signifies no more than what was implied in the old Oath of Allegiance ? There is, my Lords, indeed something more in the Association and Abjuration Oath ; for the person taking them in his late Majesty's Time, declar'd, That he believ'd in his Conscience *K. William* was rightful and lawful King of this Realm. This certainly put the conscientious Taker of 'em upon a consideration of the Foundation on which that Right and Title was built : And since there was no Foundation for it but the Revolution, and that Revolution was founded on Resistance, how those

those cou'd bring themselves up to take that Association, or that Abjuration Oath, who believ'd that Resistance unlawful, I am at a loss to know.

My Lords, Upon the Whole these several Acts of Parliament that have been mention'd. I beg leave to observe, That as it is not to be suppos'd it was the Original Intention of any Laws to enervate the Force of all the Laws, so your Lordships see there are since the Revolution Laws that do exclude any such Supposition, and do affirm that Indefeasible Inheritance which the People have in the Laws.

My Lords, The next part of the Evidence offer'd by the Doctor was the Homilies, which are said to be confirm'd by Act of Parliament, because the Articles of the Church of *England* are so, and the 35th Article approves the Homilies, as containing godly and wholesome Doctrine, and the Clergy are oblig'd to read and subscribe those Articles.

My Lords, I believe it will be admitted, that no more is intended by that Subscription, but that the Doctrine contain'd in the Homilies is right in the main, and not that every Sentence in 'em is so; for in this last Sense I believe never any Divine subscrib'd the Articles, and it will be hard to name any Preacher or Writer of Note, who has not contradicted some passage or other in them; nay, as to One, the general and approved Practice of the Church is against it, I mean that passage which condemns the Use of Organs in Churches.

And surely, my Lords, the Sense of the Homilies can't be found out by reading select Passages out of them, as was done in the Doctor's Defence, but by observing the Frame and Tendency of the whole: And I may appeal to your Lordships, and especially to my Lords the Bishops, whether those who compil'd the Homilies against Rebellion, seem'd to have had at all under their consideration the Case of a total Subversion of the Constitution. It's plain, the main Design of those Homilies was against the risings of the Popish Faction, and the Pretences made use of by them for supporting their Rebellions. And did not that Great Queen, in whose Time the latter Book of Homilies was compiled, explain Her own Opinion on this Point by the Assistance she gave to the *Hollanders* against the *Spanish* King, their Sovereign? Did not the Parliament explain Themselves by the Supplies given to the Queen for that purpose? And did not the Clergy explain Themselves likewise, by the Supplies granted in Convocation in favour of that Assistance? Can it therefore be imagin'd the Homilies intended to condemn that Resistance which the Queen and the whole Nation, nay, even the Clergy themselves assembled in Convocation, approv'd of? And I dare say,

if Doctor *Sacheverell* had read any of the Homilies against Rebellion, which he says he is commanded to do, if there be no Sermon on the Fifth of *November*; I say, if he had read any one of them to his Congregation at *St. Paul's*, nor one of his Auditors would have thought the Revolution condemn'd by the Homily, whatever they might have thought of the Doctor.

My Lords, That which we accuse him for, is, That he lays down this general Doctrine of Non-Resistance in Terms exclusive of any Exception, and not content with that, points out the Revolution for Men to compare it with, and condemn it by; how much better would it have become the Doctor to have imitated that Zeal which appears in the Compilers of those Homilies for a Protestant Queen against a Popish Faction, than to arraign the Revolution, upon the Defaming of which the Hopes of a Popish Faction against a Protestant Queen are built.

My Lords, Let us now consider the other Books or Writings the Doctor has produced to justify his Doctrine; these are chiefly, if not all of them, the Labours of Divines: And I will place them in these two Classes, those before the Revolution, and those since: And, my Lords, I will say, if this Question of Submission were left by the Divines to those who make the Municipal Laws of their Country, or the Nature of Laws in general, their Study, and they would confine themselves to the pressing a legal Submission only, founded, as it is by the Law of *England*, on common Consent and common Good, it would be much more for the Honour of Religion, and the Peace and Felicity both of the Sovereign and the Subject.

And this will be very manifest, if your Lordships call to Mind but two of the Doctor's Authorities before the Revolution, which were read to your Lordships; the one is a Passage out of Bishop *Sanderson*, the other the *Oxford Decree* in 1683.

My Lords, Bishop *Sanderson*, and he only of all that have been quoted, has put the Case of Resistance for the Preservation of Church and State, which are but other Words for the Constitution, and has deliver'd this Doctrine of Non-Resistance in such unlimited and bold Terms, as I shall not repeat, to create a second Displeasure in this great Assembly: And I willingly admit he was a very learned, judicious and pious Prelate; and if so great and good a Man fell into such indiscreet, indecent and shocking Expressions on that Subject, as did visibly affect such an Assembly as this, one wou'd think it should discourage others from delivering that Doctrine in such a Latitude.

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The next is the *Oxford Decree*, which condemns all Resistance whatsoever; but, my Lords, it is observable, that in the same Decree there is a Condemnation of this Proposition that I am going to read to your Lordships, *That it is lawful to preclude the next Heir from his Right and Succession to the Crown*; and yet at the same time, the condemning this Proposition, that is, the *holding, affirming or maintaining in any wise the contrary Proposition* was by the 13th *Eliz. cap. 1.* made High-Treason in her Time, and a Forfeiture of Goods and Chattels ever after. And how the Law now stands as to that Particular, by the *Act for securing Her Majesty's Person and Government, and the Succession of the Crown of Great Britain in the Protestant Line*, every one knows. And, my Lords, when we find so Great and Learned a Body *criminally erring* in a Point so Fundamental, and upon which our Prospect of Happiness to future Ages, doth, under God, depend, ought it not to discourage particular Divines from pretending to determine Points of Law and Policy? For my own part, I should hope that that University's having fall'n in at first so heartily with the Revolution, is as sincere a Condemnation of the Doctrine of unlimited Non-Resistance, as their solemn taking the Abjuration Oath is a publick Profession that a Parliamentary Exclusion is lawful.

As for all the Passages which have been read to your Lordships out of the Books or Sermons of Divines before the Revolution in Favour of Non-Resistance, your Lordships may observe their Reasons reach only so far, as when the Mischief is not Universal, or if it be Universal, where it is tolerable, and not so mischievous as a Civil War. I shall not mention any Passages in them (which have not been read) to limit the Generality of the Expressions concerning Non-Resistance, because I avoid bringing in any thing which hath not been given in Evidence. But how Candid the Doctor's Collections have been, your Lordships may judge by that Quotation out of my Lord Bishop of *Salisbury's* Book, where there is an express Exception of the Case of a Tendency to a total Subversion; but your Lordships may see the same Candor shining out in several Passages of the Doctor's Sermon, with respect to that Reverend Prelate, whose Services, my Lords, before and at the Time of the Revolution, will never be forgotten by one part of the Nation, nor forgiven by another.

My Lords, I come now to the Sermons and Writings since the Revolution; and I may appeal to your Lordships, whether they don't most plainly condemn the Doctor; those, I mean, where we had the Fortune to be ready to call for other Passages to be read out of the same Books. Does nor my Lord
Bishop

Bishop of *Lincoln* plainly points at the Case of the Revolution, and justifie the Resistance then used ? How carefully does his Grace the Archbishop of *York* limit this Doctrine of Passive Obedience, which the Doctor says ought to be deliver'd in the most unconfin'd Terms ? And it is by his Grace's Notion of this Doctrine, that the Commons desire this Cause may be judged and determined. I beg leave to read again to your Lordship his remarkable Words, *Care must be taken that this general Doctrine be not misapplied in particular Countries. Though Non-Resistance or Passive Obedience be a Duty to all Subjects, and under all Governments, yet it is not express'd the same way in all Places ; but both the Objects and the Instances of it do vary in different Nations, according to the different Models of their Government. To speak this as plainly as I can ; As the Laws of the Land are the Measures of our Active Obedience, so are also the same Laws the Measures of our Submission. And as we are not bound to obey, but where the Laws and Constitution require our Obedience ; so neither are we bound to submit, but as the Laws and Constitution do require our Submission.*

This, my Lords, is the Doctrine the Commons are maintaining, and are calling this Criminal to an Account for contradicting. If our Submission is not due but where the Constitution requires it, the Resistance at the Revolution, for preserving the Constitution, stands justified, and the Doctor's unlimited Doctrine of Non-Resistance stands condemn'd.

How prudently does his Grace, my Lords, caution the Doctor and the rest of the Clergy in another part of his Sermon, by these Words ? *If, indeed, a Preacher should in the Pulpit presume to give his Judgment about the Management of publick Affairs ; or to lay down Doctrines, as from Christ, about the Forms and Models of Kingdoms or Commonwealths ; or to adjust the Limits of the Prerogative of the Prince, or of the Liberties of the Subject in our present Government : I say, if a Divine should meddle with such Matters in his Sermon, I do not know how he can be excused from the just Censure of meddling with things that nothing concern him. This is indeed a practising in State Matters, and is usurping an Office that belongs to another Profession, and to Men of another Character. And I should account it every whit as undecent in a Clergyman to take upon him to deal in these Points, as it would be for him to determine Titles of Lands in the Pulpit, which are in dispute in Westminster Hall. And how well the Doctor has observ'd this necessary Caution, I leave your Lordships to consider.*

My Lords, I have purposely omitted taking Notice of any Writings, except such as were produced by the Doctor, and I
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am satisfied how superficially I have consider'd these : But, in general, I may appeal to your Lordships, whether in the lowest Ebb of Liberty there have been wanting those in this as well as other Countries, who have denied this slavish Doctrine of unlimited Non-Resistance; whether since the Revolution this Nation has been so ungrateful to their Deliverer, or unthankful for their Deliverance, as to want such as have maintain'd the Principles of the Revolution, and have shew'd them to be as agreeable to the Christian Religion, as they are to the Nature of that Excellent Government we live under.

And yet notwithstanding the unanswer'd Performances of divers, both of the Clergy and Laity, upon this Subject, the Doctor has the Boldness to affirm his Doctrine to be the Doctrine of our Blessed Saviour and his Apostles.

My Lords, I can't mention this, without the deepest Concern for the Honour of the Christian Religion. I beseech your Lordships, what is *Liberty* but *Justice*, and what is *Justice*, but *doing to every one as we would be done by*; and nothing, I think, is likelier to promote the Practice of *this Christian Precept*, than spreading a true Sense and Love of *Liberty*, that Principle which casts out of us a narrow Regard to our selves, and introduces a diffusive Benevolence to others.

And against this Principle is it that the Doctor has offended.

My Lords, I have endeavour'd to shew that the Charge in the first Article stands prov'd against the Doctor, and that this Proof remains unanswer'd; and if so, his being a Minister of the Gospel, his having taken the Oaths to the late King, and to Her present Majesty, his being a Fellow of that College which was in a particular manner delivered by the Revolution, are all of them Aggravations of his Offence (if it can be aggravated;) and which, if prov'd, his own Council admit, *brings a foul Imputation on Her Majesty and Her Government, makes Her Government an Usurpation, and Her Subjects Rebels; and that no Punishment can be too great for him.*

My Lords, I never saw that Criminal for whom I had not a hearty Compassion, but there is both Compassion and Justice due to the injur'd Innocent. Your Lordships have before you on the one hand, the Care and Concern of Doctor Sacheverell; on the other hand, the Honour and Prosperity of a wise and brave Nation, who as they have thought nothing too much to give or hazard to defend their Liberties against a Foreign Enemy, so they hope your Lordships Justice on this Offender, will secure those Liberties against Domestick ones.

Mr. Solicitor General. **M**Y Lords, I am commanded by the Commons to join with the Learned Gentleman who spoke last, in Replying to the Defence that has been made upon the First Article of this Impeachment, which the Commons insist upon to be well grounded, and fully prov'd, notwithstanding the several Objections and Excuses that have been offer'd by Doctor *Sacheverell* and his Council.

One of the Doctor's Council has agreed, That if he has asserted, that the Resistance used to bring about the Revolution was Unlawful, no Punishment can be too great for him; But what they have offer'd to your Lordships in his Defence is, That no such Position can be made out without the help of *Innuendo's* and forc'd Constructions, which infer a Meaning contrary to the Natural Sense and Import of his Words; and this way of Charging a Man with a Crime, they truly say, is not agreeable to the Rules of Law, and would contradict one of the Reasons given for the Judgment of the House of Lords, in the Case of *Sir Samuel Bernardiston*: And if this was the Case, it would not become the Commons of *Great Britain*, who have such an Affectionate Regard to the Laws and Liberties of their Country, to proceed upon an Impeachment so ill grounded. But when the Commons had so fully and particularly proved the Assertions charged upon the Doctor by this Article, they little expected to have heard that his Words had been wrested to wrong Meanings, and made to speak what he never thought: And therefore, since the Question depends altogether upon Construction, and your Lordships have been told that the Passage upon which this Charge is grounded, has not been fully stated, the Commons must give you the trouble of Reading the Passage at large, as it stands in the Sermon; that your Lordships may judge, whether they have not taken his Words in the common and ordinary Sense, and given them the only Meaning they can bear.

The Passage is in these Words.

“ The grand Security of the Government, and the very Pillar
 “ upon which it stands, is founded upon the steady Belief of
 “ the Subjects Obligation to an Absolute and Unconditional O-
 “ bedience to the Supreme Power in all Things Lawful, and the
 “ utter Illegality of Resistance upon any Pretence whatsoever.
 “ But this Fundamental Doctrine, notwithstanding its Divine
 “ Sanction in the express Command of God in Scripture, and
 “ without which, it is impossible any Government, of any Kind
 “ or Denomination in the World, should subsist with Safety,
 “ and which has been so long the Honourable and Distinguish-
 “ ing Characteristick of our Church, is now, it seems, quite
 “ Exploded, and Ridicul'd out of Countenance, as an Unfashio-
 “ nable, Superannuated, nay (which is more wonderful) as a
 “ dangerous

“ dangerous Tenet, utterly inconsistent with the Right, Liber-
 “ ty, and Property of the People ; who, as our New Preachers,
 “ and New Politicians teach us, (I suppose by a New and Un-
 “ heard-of Gospel, as well as Laws) have, in Contradiction to
 “ Both, the Power Invested in them, the Fountain and Origin-
 “ al of it, to Cancel their Allegiance at pleasure, and call their
 “ Sovereign to Account for High Treason against his Supreme
 “ Subjects forsooth ! Nay, to Dethrone and Murther him for a
 “ Criminal, as they did the Royal Martyr, by a Judiciary Sen-
 “ tence. And, what is almost Incredible, presume to make their
 “ Court to their Prince, by maintaining such Antimonarchical
 “ Schemes. But God be thanked ! neither the Constitution of
 “ our Church or State is so far alter’d, but that by the Laws of
 “ Both, (still in Force, and which I hope for ever will be) these
 “ Damnable Positions, let them come from the Pulpit or the
 “ Press, either from *Rome* or *Geneva*, are condemned for Rebel-
 “ lion and High-Treason. Our Adversaries think they effectually
 “ stop our Mouths, and have us sure and unanswerable on
 “ this Point, when they urge the Revolution of this Day in their
 “ Defence. But certainly they are the greatest Enemies of that,
 “ and his late Majesty, and the most Ungrateful for the Deli-
 “ verance, who endeavour to cast such Black and Odious Co-
 “ lours upon Both. How often must they be told that the King
 “ himself Disclaim’d the least Imputation of Resistance in his
 “ Declaration ; and that the Parliament declar’d, That they set
 “ the Crown upon his Head, upon no other Title, but that of
 “ the Vacancy of the Throne ? And did they not Unanimously
 “ condemn to the Flames (as it justly deserv’d) that Infamous
 “ Libel that would have pleaded the Title of Conquest, by
 “ which Resistance was suppos’d ?

And the Question now before your Lordships is, Whether by
 these words he has asserted, That his late Majesty in his Decla-
ration disclaim’d the least Imputation of Resistance ; and that to im-
pute Resistance to the Revolution, is to cast Black and Odious Co-
lours upon his late Majesty and the Revolution ; which are the As-
sertions Charg’d upon him in this Article, as Suggesting and
Maintaining, that the necessary Means us’d to bring about the late
happy Revolution were odious and unjustifiable : Now that there
 was Resistance in the Revolution, and that such Resistance, in
 a case of that absolute and unavoidable Necessity, is consistent
 with the Doctrine of the Church, and the Fundamental Law of
 the Kingdom, is agreed by the Council ; and they have endea-
 vour’d to convince your Lordships, that the Doctor has asserted
 nothing to the contrary ; for they say, “ The Resistance which
 “ the Doctor affirms the King to have disclaim’d, was only a
 “ Resistance which tended to Conquest ; and that the Doctor
 “ did

“ did well to wipe off this Imputation, for the Parliament had
 “ declared it injurious to his rightful Title to the Crown, and
 “ had order’d a Treatise to be burnt which suggested a Title by
 “ Conquest; and that the Doctor having his Eye in that Expres-
 “ sion on the matter of Conquest, expressed the same by Resi-
 “ stance, which was applicable to the Subject Matter before,
 “ and therefore ought not to be wrested to any other Purpose.

This, my Lords, is the Turn which the Council would give to the Doctor’s Assertion, *That the King disclaim’d the least Imputation of Resistance.* And indeed the Words of the Sermon are so plain and particular, that they are forced to have Recourse to this Evasion of a Resistance by Conquest: But I wonder Gentlemen can argue in this manner, and at the same time speak of reading the Words with Candor and Ingenuity, when ’tis most apparent that there is no *previous Discourse* of a Title by Conquest, or of any Treatise in which it had been asserted, that could give occasion for his vindicating the late King from any such Imputation, or to which these Words can in any Construction be applied; for the Doctor says nothing of Conquest till after he had asserted that the King disclaim’d the least Imputation of Resistance, and then he goes on and lays another Foundation for the Settlement upon the Revolution, by grounding it upon the Vacancy of the Throne, before he says any thing about Conquest, or mentions the Book which had pleaded that Title; and even then he condemns that Title for no other reason, but because it implied Resistance, which plainly shews, that his Argument was carried on upon the Subject of Resistance, and not upon that of Conquest.

And the Answer which they have given to that part of the Article, whereby he is Charg’d with Asserting, *That to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution;* is equally evasive.

What they have offer’d to your Lordships upon this Head is, That the Doctor is not speaking of the utter Illegality of Resistance, when he introduceth his Discourse about casting Black and Odious Colours, by saying, *Our Adversaries think they have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence;* but of the damnable Positions with which the Doctor charges the new Preachers and new Politicians, in the Words immediately preceding: And in this place it is, that the Manager appointed to maintain this Article is charg’d with omitting about twenty or thirty Lines between the General Doctrine and the Passage concerning the Revolution, in which several distinct and entire Sentences are contain’d, concerning those Persons and their Principles, to which that Passage entirely relates: And your

Lordships are told, that to apply the Instance of the Revolution to justifie such wicked Principles, is what the Doctor calls casting Black and Odious Colours upon his late Majesty and the Revolution.

But the Commons take it to be very clear, That upon stating of the whole Paragraph, and all the Words in the order in which they lye, and upon comparing the several Passages, it will manifestly appear, that what the Doctor said about *casting Black and Odious Colours* upon the Revolution, can be applied only to those who maintain, that the Resistance us'd to bring about the Revolution was lawful and just, and that the Persons he calls *our Adversaries* are such as urg'd the Revolution in opposition to his general Doctrine of the utter Illegality of Resistance upon any Pretence whatsoever, and not to those who urge the Revolution in Defence of those damnable Positions, which, he says, the new Preachers and new Politicians had laid down.

This the Commons apprehend to be the only Meaning that his Words in any Construction can bear; for *the Point* he is speaking of, and which he says his Adversaries thought they had him sure and unanswerable upon, must be some certain single Position which was mention'd before, some one Position or Principle, and not many; for 'tis *this Point*, not *the Principles*; and that single Point could be no other, than the *Point of Resistance*: and the Persons he calls his Adversaries, who think they have him so sure, can be no other than those who deny his general Doctrine, and not those new Preachers and new Politicians, who say the People have a Power vested in them to cancel their Allegiance at pleasure; because those who deny this General Position of the utter Illegality of Resistance, as applied to any one particular case, are certainly his Adversaries, and Enemies to his Fundamental Doctrine; for whoever can find an excepted Case, or shew an Instance in which Resistance is Lawful, destroys his general Assertion; and he sufficiently shews, that he meant those who oppos'd his general Doctrine of absolute Non-Resistance, by *our Adversaries*, when he says that they urg'd the Revolution of that Day in their Defence, because the Resistance at the Revolution, which was founded in Unavoidable Necessity, could be no Defence to a Man that was attack'd for asserting, that the People might cancel their Allegiance at Pleasure, or Dethrone and Murther their Sovereign by a Judiciary Sentence; for it can never be inferr'd from the Lawfulness of Resistance at a time when a *Total Subversion* of the Government both in Church and State was intended, that a People may take up Arms and call their Sovereign to account at pleasure; and therefore, since the Revolution could be of no Service in giving the least colour for
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asserting any such wicked Principle ; the Doctor could never intend to put it into the Mouths of those new preachers and new Politicians for a Defence, unless it be his Opinion, that the Resistance at the Revolution can bear any Parallel with the Execrable Murther of the Royal Martyr, so justly detested by the whole Nation ; or that there was no other Difference between the two Cases, than what the learned Gentleman, who first spoke for him, was pleased to mention in the Conclusion of his Argument, by quoting an odious Expression which I forbear to repeat ; but it was very proper to take notice of the Resistance at the Revolution, as an Objection to his general Doctrine, for it really is so, and 'tis impossible that Doctrine can be true in its full Extent, if the Resistance at the Revolution was lawful ; for 'tis most apparent, that the Justice of a Revolution, founded in Resistance, and the Principle of Non-Resistance upon any Pretence whatsoever, can never stand together.

And therefore he could mean nothing by *the Point* his Adversaries thought they had him so sure upon, but the general Position of Non-Resistance, which was the only Point contended for in that place ; and he must mean those only who denied his Doctrine of absolute Non-Resistance, by *our Adversaries* : And having no other way of maintaining the utter Illegality of Resistance upon any Pretence whatsoever, and of answering the Case of the Revolution, which, from the Resistance that was in it, was made an Objection : he goes on and denies the Resistance by saying, That *the King solemnly disclaim'd the least Imputation of Resistance* ; and calls those who say that there was any Resistance in the Revolution, *the greatest Enemies of that, and his late Majesty, and the most ungrateful for the Deliverance, who endeavour to cast such Black and Odious Colours upon both.*

This, my Lords, is plainly Asserting, That to impute Resistance to the Revolution, is to represent it as Black and Odious ; and this Assertion is fairly collected from the plain Course and Tendency of his Argument, not from strain'd Inferences, and Innuendo's, not from suppos'd, or forc'd Constructions, but from his own Words, as they lie together, taken in their natural and genuine Sense, and is the only Construction that can give them any reasonable Meaning or Coherence :

And therefore the Commons apprehend, That the Charge 27 against the Doctor, for asserting, that *to impute Resistance to the Revolution, is to cast Black and Odious Colours upon his late Majesty and the Revolution*, is fully prov'd, and stands unanswer'd.

But tho' the Charge, and the Passages produc'd for the Proof

of it, are so very particular, and directly pointed at the Resistance us'd to bring about the late happy Revolution, yet the Doctor and his Council are pleas'd to say, " That he has only Afferted the Doctrine of Non-Resistance in general Terms, as it has been taught by the Apostles, the Homilies, and the Fathers of the Church in all Ages ; that in this Case, as in all other general Propositions, Cases of unavoidable Necessity, *as the Revolution undoubtedly was*, are always understood to be excepted ; and that there is no other Difference between the Gentlemen of the House of Commons and the Doctor, but whether when the general Rule of Obedience is taught, the particular Exceptions which may be made out of that Rule are always to be express'd ; or, Whether when the general Rule is laid down, the particular Exceptions are not more properly to be understood or implied : And upon this ground they have been very Elaborate, and have produc'd many Proofs to satisfie your Lordships, that the Doctor's general Affertion of the utter Illegality of Resistance to the Supreme Power upon any Pretence whatsoever, without mentioning any Exception, is warranted by the Doctrine of the Church, and by the Law of the Land.

cc cc But, with great Submission, all this Pains might have been spar'd, for 'tis plain that the Doctor is not Impeach'd for preaching a general Doctrine, and enforcing the general Duty of Obedience, but for preaching against an Excepted Case, after he has stated the Exception ; He is not Impeach'd for preaching the general Doctrine of Obedience, and the utter Illegality of Resistance upon any Pretence whatsoever ; but because, having first laid down the general Doctrine as true, without any Exception ; he states the excepted Case, the Revolution, in express Terms, as an Objection ; and then assumes the Consideration of that excepted Case, denies there was any Resistance in the Revolution, and Afferts, that to impute Resistance to the Revolution, would cast Black and Odious Colours upon it. This, my Lords, is not preaching the Doctrine of Non-Resistance in the General Terms us'd by the Homilies, and the Fathers of the Church, where Cases of Necessity may be understood to be excepted by a Tacit Implication, as the Council have allow'd, but is preaching directly against the Resistance at the Revolution, which in the Course of this Debate has been all along admitted to be necessary and just, and can have no other Meaning, than to bring a Dishonour upon the Revolution, and an Odium upon those Great and Illustrious Persons, those Friends to the Monarchy and the Church, that assisted in bringing it about. For had the Doctor intended any thing else, he would have treated the Case of the Revolution in

in a different manner, and have given it the true and fair answer ; he would have said, That the Resistance at the Revolution was of Absolute Necessity, and the only Means left to revive the Constitution, and must be therefore taken as an excepted Case, and could never come within the Reach or Intention of the general Doctrine of the Church. But instead of this, he denies that there was any Resistance in the Revolution, and represents it as a Scandal upon the Revolution to say there was any Resistance in it ; *Those, says he, are the greatest Enemies to it, who cast such Black and Odious Colours upon it.*

My Lords, If extraordinary Cases, if Cases of Necessity, which are implicitly Excepted, are not to be stated at the time when the general Prohibition is inculcated, and it would be of dangerous Consequence in this particular Instance of the Doctrine of Non-Resistance, “ by picking holes for the Subject to creep out of his Allegiance ; I submit it to your Lordships Consideration, whether stating an Excepted Case, and then bringing it within the general Prohibition, particularly in this Instance of the Revolution, must not have the same pernicious Consequence ; “ Does not this plainly shew what Spirit the Doctor is of, and what he aims at ?

But your Lordships have been told, that “ What the Doctor asserts concerning the utter Illegality of Resistance to the Supreme Power, can never be applied to the Revolution ; “ for the Legislative, the King, Lords and Commons, is the Supreme Power, and there was no Resistance to the Lords and Commons, for they join’d with his late Majesty in bringing about the Revolution ; the Resistance was made only to that unfortunate Prince who was then upon the Throne. But ’tis plain from his applying the Illegality of Resisting the Supreme Power to the Case of the Revolution, that he meant the Executive Power, which was then Resisted ; and he uses *Sovereign* and *Prince*, as Synonymous Terms with the Supreme Power in other parts of the same Paragraph of the Sermon ; for he speaks of calling the Sovereign to Account ; and of Cancelling Allegiance at pleasure, which can be due only to the Prince ; which shews, that the Prince only, and not the Legislature, can be understood by *His Supreme Power*.

I shall not trouble your Lordships, to shew that the Resistance us’d at the Revolution was consistent with the Doctrine of the Church, and with the Law and Constitution of *England*. This is no part of the Controversie, and is not disputed by the Council ; for they agree such Cases to be excepted out of the general Rule, and profess to use the several Passages that have been read to your Lordships, only to Excuse or Extenuate the Doctor’s Offence and not to Arraign the Justice of the Re-

volution ; and therefore I shall not enter into a particular Examination of them, but only observe, that if the Books, out of which these Passages were taken, were narrowly examined, 'tis possible some Expressions might be found to shew that the Authors never intended that their general Rule should extend to Cases where the total Subversion of a Government was aim'd at. For your Lordships must needs have observ'd, from the use that has been made of the Book of a Learned Prelate, call'd, *A Vindication of the Authority, Constitution and Laws of the Church and State of Scotland, Printed in 1673.* that a perfect State of Truth is not altogether to be depended upon from the Proofs that have been Collected out of several Authors, and read to your Lordships, and that the Sincerity of the Collector is very much to be question'd ; for that Book was produced to prove the Duty of Absolute Submission, and a Passage was read for that purpose ; but when the Managers look'd into the Book, they found another Passage where the Author stating the Case of Abuses tending to a Total Subversion, allows, That in such a Case the Supreme Power may be Administred by another : Which shews, That this Reverend Prelate, who was so Instrumental in the Revolution, did not act in Contradiction to his former Sentiments, as was insinuated, by Citing this Treatise ; but was Firm and Constant to himself, when he Embark'd in that Glorious Enterprize.

Several Sermons that have been preach'd since the Revolution have been likewise offer'd to your Lordships, to shew that the Doctrine of Non-Resistance has been deliver'd in general Terms, but these can be of no Service in his Defence, for the Reasons that have been given. Besides, the Commons don't think themselves concern'd to enter into the Examination of private Opinions : And for those that have been Preach'd by the Right Reverend Fathers of the Church now Living, They are the best Expositors of their own Meaning ; and I should Mispent your Lordships Time to enter into any Explication of them. The Doctor has Appeal'd to the Right Reverend Fathers of the Church, to these Right Reverend Fathers we leave him, not doubting but the Nation will be satisfied how much they are concern'd for the Honour of the Revolution, and the Security of the present Happy Establishment under Her Majesty, by the just Judgment they will give upon this Occasion.

And as to the Laws of the Kingdom, there needs little to be said, after what the Learned Gentleman who spoke last has offer'd to your Lordships ; especially since the Council for the Doctor have all of them own'd, That the general Expressions in the Laws don't extend to any such Case as that of the Revolution,

volution, which no Municipal Law can be suppos'd to include : And if Doctor *Sacheverell* had been satisfied with laying down the general Doctrines of Obedience and Non Resistance in the manner the Laws have done, the Commons had never given your Lordships this Trouble. 'Tis his Entering into the Debate of what is agreed by his own Council to be an Excepted Case, and his Arraigning the Justice of the Revolution, which has been already stated at large to your Lordships, that has given Occasion for the Prosecution upon this Article.

Besides, this, there have been other Things said; in the Doctor's Behalf.

The Commons had alledg'd. That to shake the Justice of the Revolution, and the Validity of those Acts of Parliament, by which Her Majesty's Title to the Crown was declared and the Succession settled in the Protestant Line, was a matter of the greatest Consequence, at a Time when the Hereditary Right to the Crown was Contested ; and that the Friends of the Pretender could advance his interest upon no other Ground. But it has been urg'd for the Doctor, That he could never mean any Service to the Pretender ; for he Asserts the Hereditary Right to be in the Queen, and that those who deny Her Hereditary Right, are most like to bring in the Pretender. And by this Answer they Insinuate, That the Doctor has Asserted an Hereditary Right in Her Majesty, and that those who defend Her Parliamentary Title deny Her Hereditary Right. The Passage they cite for his Asserting an Hereditary Right in Her Majesty, is Page 2, where he calls her Majesty, *The Good and Pious Relict of the Royal Family* ; and they argue, that if Her Majesty be the Relict, and the only Prince of that Family left she must have the Hereditary Right of Course.

This Passage, your Lordships cannot but observe, requires some Straining, to give it any Appearance of Answering the Purpose to which they would apply it ; and after all it can carry no such Meaning, Her Majesty is not the only Descendant of the Royal Family now in being : there are several Branches of it yet remaining, and I can't believe that the Gentlemen who use this Argument, intend to exclude the Illustrious House of *Hannover* from being Part of it. In the next Place they turn it upon the Commons, as if they denied the Hereditary Right (which they shall ever avow) when they Asserted the Title by Act of Parliament. I submit it to your Lordships, Whether any thing more was said, than that the Hereditary Right was contested ; and this is Notorious to all the World--- Is taken notice of in our Oath of Abjuration, and was claim'd two Years ago, by the Pretender's attempting an Invasion. And in such a Case 'tis certainly the Duty of every

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Subject to make good all the Fences which guard Her Majesty's Title to the Crown. And, my Lords, We have Reason to lay some Weight upon a Parliamentary Title, since the Protestant Succession entirely depends upon it. And to defend the Power of Parliament to limit the Succession of the Crown, since the Doctor has offer'd to your Lordships in Evidence a Decree of the University of Oxford, in the Year 1683. where this Proposition, *viz.* "That it is Lawful to Preclude the next Heir from his Right and Succession to the Crown," was solemnly Condemn'd, as False, Seditious and Impious; which I the rather take Notice of, because the Doctor relies so much upon the Authority of that University; but I must take leave to say, That if the same Principle should still continue to be taught, or to be believed in that University; where so many of our Gentlemen receive their first Impressions, it must one time or other Involve us in Blood, and leave Posterity in endless Disputes about the Title to the Crown; and therefore 'tis of the greatest Consequence to Her Majesty, and the Security of Her Person and Government, the Continuance of the Succession in the Protestant Line, and the Peace and Happiness of this Kingdom, to maintain the Power of Parliament to settle the Succession to the Crown, which has been exercis'd in all Times, and frequently resorted to by Her Majesty's greatest and wisest Predecessors: This is not to make way for the Pretender, but to shew that he is effectually and legally excluded; and that Her Majesty has not only the Hereditary Right, but the Sanction of an Act of Parliament, which has been always thought sufficient to bind the Succession to the Crown, and is the plain way to establish Her Majesty's Throne against all Attempts whatsoever.

But your Lordships are told, That these Sermons were not preached with a Seditious Intention, and that the Doctor can never be suppos'd to have a Design to Undermine the Government, by Preaching up the utter Illegality of Resistance.

This, my Lords, has indeed some shew of an Excuse; but if your Lordships consider in what manner he has applied his Doctrine of Non-Resistance, and the Use he has made of it, together with the general Design of the Sermon, which is a virulent Invective throughout, it will appear, that he could not take a more proper Course to incite the People to Sedition, and to create Jealousies and Discontents in the Kingdom: For, First, he endeavours to shew, That if there was any Resistance in the Revolution, the Foundations of our present Happy Settlement were laid in an unlawful Force, because such Resistance was, as he says, utterly Illegal, Odious, and Unjustifiable. And having laid this Ground, he Charges Her Majesty

Majesty, and those in Authority under Her, with a general Male-Administration; and what Inference can the People make from such Positions as these, but that the Government they are under is Ill-founded, and therefore no Obedience is due to it; and since there is a general Mismanagement in the whole Administration of the Executive Power, 'tis their Interest to get rid of it as soon as they can?

This, my Lords, is the plain Tendency of his whole Discourse, and whose Interest is best serv'd by such Discourses as these; whether that of Her Majesty, our most Gracious Queen, or that of the Pretender, I submit to your Lordships impartial Consideration.

My Lords, The Doctor will have no Reason to complain of being hardly us'd in having his Intentions censur'd as Seditious, if he considers what that great Prelate, my Lord Archbishop of York, has said in the Sermon that has been produc'd in Evidence before your Lordships, in which there is this Paragraph, *viz.*

“ They are the Factious, they are the Setters up or Abettors of Parties, who endeavour to destroy, or unsettle, or disparage, or at least to hurt and weaken the Government and the Laws, as they are Establish'd; let the Principles upon which they go, or the Pretences they make, be what they will.

And if his Seditious Intentions be apparent from the Sermon, His having taken the Oaths of Allegiance, his Signing the Association, and his taking the Abjuration, are so many Aggravations of his Guilt.

I have troubled your Lordships a great while, but I can't forbear taking notice of one thing which the Doctor has complain'd of as a Hardship, I mean, that he has been Prosecuted in this publick manner by an Impeachment, by which, he says, he shall have been abundantly punish'd, tho' he should have the Happiness to be at last acquitted; But this Complaint is answer'd by his own Council, who acknowledge his Case to be a Cause of very great Moment, and that the Points now under your Lordships Consideration, are proper only to be settled in Parliament; and certainly no other Course could have been so proper: For when the Foundations of the Government in Church and State are apparently struck at, and undermin'd, under pretence of Zeal for the Constitution; when Her Majesty's Title to the Crown is endeavour'd to be weaken'd, under the Colours of Obedience and Loyalty; when the Quiet and Repose of Her Majesty's Protestant Subjects is disturb'd, under a pretended Zeal for the good of the Church; when the Safety of the Church is in the greatest Danger from those

those who declare the most Affectionate Concern for her Welfare and Prosperity ; when the Fathers of the Church are defam'd by those who pretend the greatest Reverence for the Episcopal Order ; and when Her Majesty's happy Administration is publickly vilified and expos'd in the most audacious and insolent Manner, where should the Commons apply for Justice but to this Supreme Judicature ; or where could they expect an adequate Remedy to these great and growing Evils, in full Parliament ?

They have therefore brought this great Offender before your Lordships, and have the highest Satisfaction in a full Assurance of your Lordships impartial Judgment.

Mr. Lechmere. MY Lords, The Gentlemen, who have now spoke before me, have gone through the Substance of the Reply to this First Article ; They have shewn to your Lordships the Weakness and Vanity of the Defence, which has been made to it ; and have fully reasserted this Part of our Charge, by which Doctor *Sacheverell* stands Accus'd, in the Name of the Commons of *Great Britain*, of Condemning the Necessary Means us'd to bring about the happy Revolution.

Your Lordships Consideration of this Branch of our Impeachment, and of what has been offer'd to you in Maintenance of it, has doubtless, created in your Minds an Impression equal to its Weight, and to the many great Consequences which depend upon it : But, we persuade our selves, that, when you reflect on the Nature and Method of the Defence, 'twill more clearly discover to your Lordships and the World, how necessary a Task the Commons have taken on themselves in this Prosecution of what high concern it is to Her Majesty and Her Government, and to our common Security, that this Fundamental Question should receive this publick and solemn Discussion, That the false Zeal, which the disguis'd Enemies of Her Majesty's Title have the confidence to put on, by endeavouring to cover the worst Designs, under the sacred Names of God and Religion, and the strongest Professions of Loyalty and Allegiance, may be brought to the Test, and the true Foundations of the Safety of the Kingdom be understood and asserted.

The Part assigned me in opening the Charge, leads me to take notice of some Passages which have fall'n from the Council ; and though, what I shall first mention has been already observed and fully refuted, yet I must beg your Patience to resume it a little. The Gentleman who began the Defence said, That 'twas insisted on the first Day of the Tryal, That
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& the Doctor had not only asserted the utter Illegality of Resistance 27
 on any Pretence whatsoever; but that he had likewise declared
 himself, that the Revolution was not such a Case as ought to be
 excepted out of his General Rule, and this he said, he denied;
 and, if such an Expression could be found in the Doctor's Sermon,
 he should think no Punishment too great for him. Your Lord-
 ships could not but observe the Argument which immediately
 followed; 'Tis one thing, says he, expressly to affirm the Revoluti-
 on is such a Case as ought not to be excepted, and another thing
 not to make that Exception. You were told, indeed, in the
 beginning of the same Discourse, and afterwards by the
 Doctor himself, That his general Assertion of the utter Illega-
 lity of Resistance on any Pretence whatsoever, did not relate
 to the Resistance used to bring about the Revolution, it being
 applied to the Supreme Legislative Power, to which no Re-
 sistance was then made, the Lords and Commons joining in it:
 This, my Lords, is a meaning which the Doctor had not in
 view when he preach'd the Sermon; for, by observing the
 Passages, you will find that the Words *Supreme Power*, are no
 part of the Assertion of the utter Illegality of Resistance on
 any Pretence whatsoever; He doth, indeed, affirm uncondi-
 tional Obedience to the Supreme Power in all things Lawful,
 but the Illegality of Resistance is indefinitely and universally
 affirm'd, and not restrain'd to the Supreme Power: 'Tis like-
 wise evident, not only from his mentioning the Case of the
 Revolution, which was the Case of Resistance to the King, as
 an Objection to his general Rule, of the utter Illegality of Re-
 sistance, but likewise from the subsequent Parts of the same
 Paragraph, that the Non-Resistance which he preach'd up,
 was Non-Resistance to the Supreme Executive Power; and
 indeed this is still more evident from the Fallacy of that, which
 is offer'd to induce your Lordships to think otherwise, it be-
 ing undeniable, That the Lords and Commons did not join
 in that Resistance as part of the Legislative and Supreme Pow-
 er, but as part of the collective Body of the Nation. This
 Subterfuge, frivolous as it is, being soon departed from, the
 Argument proceeded upon the Supposition, that the general
 Assertion in the Sermon was to be understood of the Supreme
 Executive Power. I return therefore to the Objection, as sta- 27
 ted before, which, being delivered with uncommon Ostenta-
 tion, your Lordships will allow me to enter into the Examina-
 tion of it; *The Subjects Obligation to an unconditional Obedi-
 ence to the Supreme Power in all things Lawful, and the utter
 Illegality of Resistance on any Pretence whatsoever*, is the Doctor's
 general Rule, which he affirms to be the Security of our Go-
 vernment, and the Belief of this *the very Pillar on which it
 stands,*

stands. Your Lordships may here observe, that the Doctor, in delivering his general Rule, has gone pretty much beyond that Apostle he would be thought to imitate; the Apostle in general Terms enjoins the Duties of Obedience and Subjection to the higher Powers, not mentioning any Exception, when he lays down those Precepts; the Doctor goes on, and his next Sentences contain a general Observation, That, tho' his Fundamental Doctrine was now become unfashionable and exploded, as a dangerous Tenet inconsistent with the Rights, Liberties and Property of the People, yet, God be thanked, it still continued to be the Doctrine both of Church and State; and then follow these Words, *Our Adversaries think they effectually stop our Mouths, and have us sure and unanswerable on this Point, when they urge the Revolution of this Day in their Defence.* No Body can doubt what Revolution the Doctor means, nor that under the Term *Revolution*, by which he expresses the Objection made to the general Rule of Non-Resistance, he meant the Resistance suppos'd to be made at that Revolution: This he states, as the unanswerable Objection made by his Adversaries to his Point, to his Rule of Non-Resistance on any Pre-
tence whatsoever.

If your Lordships collect the Sense of the Paragraph thus far, it will stand thus; Those Persons, who exploded absolute Non-Resistance to the Prince as a Tenet dangerous to Liberty, in Defence of that their Opinion, object to us, who avow this Tenet as the honourable and distinguishing Characteristick of our Church, the Resistance us'd to bring about the late happy Revolution as an Exception out of our general Rule of Non-Resistance. The Doctor having thus laid down his Rule in universal Terms, and expressly taken Notice of the Case of the Revolution as an Objection rais'd against it by other People; your Lordships are next to consider, what becomes of this Objection; in what manner is it treated by him, and what Judgment does he pass upon it? My Lords, the Doctor does not drop the Objection without considering it further, he is not *silent in the Matter*, he doth not leave this as an Exception *implied and to be suppos'd* by the general Rule, he proceeds and argues expressly upon it for two or three Sentences together; the Doctor's Expressions in this respect also are not entirely agreeable to those of the Apostle. In the next place, doth the Doctor yield the Objection to his Adversaries? Doth he allow the Resistance us'd to bring about the late happy Revolution to have been a lawful Resistance, and to be an Exception out of his general Rule? No, my Lords, just the contrary: He is so far from agreeing with his Adversaries in this Point, or giving way to the Exception, that in Vindication of the Revolution, as he would be
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thought to speak, he pronounces those, who make the Exception, and contend for the Lawfulness of that Resistance, to be Enemies to the Revolution ; and that Resistance, which the Commons assert to be the Necessary Means by which it was brought about, he describes to be odious Colours cast upon the Revolution. In his next Sentence he Insinuates, That there was no Resistance at the Revolution, and, to that end, Misrepresents his late Majesty as having disclaim'd it ; and with the same intent likewise, that the Parliament set the Crown on his Head, on no other Title than of the Vacancy of the Throne ; and still the more effectually to delude his Hearers into the Belief of his general Assertion, grossly and ridiculously perverts the Censure past by a future Parliament upon the Notion of Conquest, as a Condemnation of that Resistance. Having thus considered this Objection of the Revolution, and the following parts of his Paragraph being Expressions of Triumph over his Adversaries, whose Objection he would be supposed to have confuted, towards the close of it he uses these Words, as his Conclusion and Judgment upon it ; *In short, as the English Government can never be secure on any other Principles but strictly those of the Church of England, so he will be bold to say, &c.* His general Rule of Non-Resistance on any Pretence whatsoever he had before laid down as the Doctrine and Principle of the Church, which, after having consider'd the Case of the Revolution as an imaginary Exception to it, he reasserts in those Words. And what clearer Indication can your Lordships receive of the Doctor's Intention in his general Assertion ? Can your Lordships, or any Body that shall consider the Tenor of that part of his Discourse, retain any Doubt whether he has *plainly and fully declared* himself, That the Resistance us'd to bring about the late happy Revolution was odious and unjustifiable, and not to be excepted out of his Fundamental Rule of the Illegality of Resistance on any Pretence whatsoever ? And, my Lords, can it be said that this Interpretation of his Discourse is *strain'd and unnatural* ? Is this Part of our Charge maintain'd by *conjoining distant and independent Passages* ? Or is not the Connexion clear and necessary, and the Sense we contend for, the only Sense the Words can properly bear, in the most candid and genuine Interpretation of them ? The Gentleman, whose Objection from the Bar I have been considering, said, *That 'tis one thing expressly to affirm that the Revolution is not to be excepted, and another thing not to make that Exception* ; but, tho' the Words of the Sermon are not an express and literal Affirmation, yet if this Construction appears to your Lordships to be necessary and certain, they will be taken by you to be an ample and undeniable

ble Declaration of his Mind; and this poor Shift, thus emphatically insisted on at the Bar, will amount to no more, than what the Doctor had before said in his Answer in plainer Words, That he had not maintain'd the Necessary Means to be Odious and unjustifiable, because he had not made use of those very Words.

The next Passage which I shall observe to your Lordships, fell from the Gentleman who spoke third in Defence of this Article; his Words were these; I have been *careful and exact* in collecting them, "One Learned Gentleman, says he, did observe, that there was an Original Contract, and that by that Contract, if the Executive Power invaded the rest, that Contract was broke, and the People discharged from their Allegiance; but he did not think fit to take notice when that Contract was made: I would fain know, whether it was before *Magna Charta* or since; if it was before, it is much no mention is made of it there, for that has been always look'd upon as the Great Charter of the Rights of the People. Was it before 25 Ed. 3.? then I would know, whether that Contract made before the 25 Ed. 3. could ever discharge that Act which was made after it? If it doth discharge the Subject of their Allegiance, I have never yet known it pleaded to any Indictment for High Treason upon that Act; and, therefore, *'Till the Legislature shall determine what that Contract is, and what Breach of it shall discharge the Subjects of their Allegiance, I must take leave to say, that Resistance stands still upon the Foot of the Statute of 25 Ed. 3.*

My Lords, the Nature and Consequence of this Passage would bear a much more ample Consideration, than my Time has allowed me to give it, or than may be fit to trouble your Lordships with, on this Reply; but, I conceive, a short Notice of it, and of the near Relation it bears to the Matter now before you in Judgment, may yield a pretty clear Discovery and Explanation of the whole. But the distance of Time since the opening of the Charge, and the many palpable Misconstructions, which some of the Council have allowed to themselves, of what has been offered by some of us in behalf of the Commons, makes it necessary for me, even in this Particular, to remind your Lordships of the Connexion of the Discourse, out of which this Observation was rais'd: Your Lordships were acquainted, in opening the Charge, with how great Caution, and with what unfeigned Regard to Her Majesty and Her Government, and to the Duty and Allegiance of Her Subjects, the Commons made choice of the words *Necessary Means*, to express the Resistance that was made use of to bring about the Revolution, and, with the condemning of which, the Doctor is charged

charged by this Article ; not doubting, but that the asserting the Honour and Justice of that Resistance, from the Necessity of that Case, and to which alone, we have strictly confin'd ourselves, when duly consider'd, would confirm and strengthen, and be understood to be, an effectual Security of the Allegiance of the Subject to the Crown of this Realm in every other Case, where there is the same Necessity ; and that the Right of the People to Self-defence, and Preservation of their Liberties by Resistance, as their last Remedy, is the Result of a Case of such Necessity only, and by which the Original Contract between King and People is broke : This was the Principle laid down and carried through all that was said with respect to Allegiance, and on which Foundation, in the Name, and on the Behalf of all the Commons of *Great Britain*, We assert and justify that Resistance, by which the late happy Revolution was brought about.

When the Gentleman from the Bar endeavour'd thus, in a ludicrous manner, to explode the Original Contract between the King and People, he must not be supposed to be ignorant, that those very Words are part of the Vote of the Abdication, the Vote of both Houses of Parliament, at the time of the Revolution, antecedent to that Settlement of the Crown, on which Her Majesty's Parliamentary Title, and our present Establishment, is founded. I have thought it necessary to Transcribe that Proceeding from your Lordships Journals, now lying on your Table, and will state it to you, as I have taken it from thence.

Upon the twenty ninth of *January*, 1688, A Message was brought from the Commons by Mr. Hampden and others, who said, *The Commons taking into their Consideration the State of this Kingdom, had pass'd a Vote, to which they desired your Lordships Concurrence, which Vote was as follows ; Resolved, That King James the Second having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People ; and by advice of Jesuits and other wicked Persons, having violated the Fundamental Laws of this Kingdom, and having withdrawn himself out of this Kingdom, has abdicated the Government, and the Throne is thereby become vacant. Your Lordships House Resolved it self into a Committee of the whole House, and the Vote, containing in it divers Particulars, upon the 30th day of January was considered by Paragraphs, the first of which was, That King James the Second having endeavour'd to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People ; to which the Committee, and the House afterwards, agreed without any Amendment : Now, when it appears to your Lordships and the World, that breaking the Original Contract between King and*

People, were the Words made Choice of, by that House of Commons, with the greatest Deliberation and Judgment, and approv'd of by your Lordships, in that first and Fundamental Step made towards the Re-establishment of the Government, which had receiv'd so great a shock, from the evil Councils, which had been given to that unfortunate Prince, and that they are stated in that Vote as a Consequence of his endeavouring to subvert the Constitution of the Kingdom; I need not say how much the lawfulness of that Resistance, which had been before made by the People, and which is now the immediate Question, nay, how much the Justice of the Revolution it self would be affected by a Condemnation of that Position: And what Light doth it give to the Question now before your Lordships, when at your Bar, in defence of a person accus'd by the Commons for condemning the Necessary Means which brought about the Revolution, you have heard that Original Contract, at that time so solemnly declar'd to be a *Fundamental Principle*, publickly deny'd, ridicul'd, and endeavour'd (in what manner 'tis easie to judge) to have been exploded?

My Lords, The Truth of that position has its Foundation in the Nature and Essence of the Constitution of our Government, and it will stand so long as this remains; and the Sanction it has receiv'd from your Lordships, and from that House of Commons, who had with so much Wisdom and Bravery asserted the Rights of the Kingdom in that extraordinary Juncture, and who, pursuant to that Resolution, settl'd the Crown upon Her Sacred Majesty, ought to render it indisputable, so long at least as that Establishment is preserv'd to us. But yet, could I think it seasonable to enter into it, to consider more particularly the Nature of our Government, to draw together some of the many incontestable Evidences of its Original Freedom, to consider the Nature, Antiquity and History, of the Coronation-Oath, and the Oath of Allegiance, and the mutual Obligations and Consequences arising from them to the Prince and People; Was I to go over the several Branches that make up the ancient Frame of our Government, and which speak and express a Consent and Compact between the Prince and People in their Institution, and was I to observe that inseparable Relation and equal Security which they import between the Crown and the Subject, and which are so many infallible Tokens of Original Consent stamp'd upon them, the Truth and Certainty of that Position of an Original Contract between the King and People, might be laid down to your Lordships in demonstrative Terms. The Gentleman that rais'd this Observation, soon afterwards, in the same Discourse, suppos'd, That by the Original Contract, the Original Constitution was meant; how strictly proper that manner of speaking might be found

found to be, I will not now determine ; yet thus much may with Certainty be concluded, That the denying the Original Contract, is not only to disavow the whole Proceeding at the time of the Revolution, but to renounce the Constitution it self, to disclaim those many and undeniable Proofs and Testimonies of it, which almost every part of our History, our Records and Memorials of Antiquity, will furnish : To deny the Original Contract of Government, is to contradict and condemn the Voice and Tenor of all our Laws, of every Act of the Supreme Legislative Power, the Force and Efficacy of which exists upon the Consent of the Crown, Lords, and Commons, and are therefore so many lasting and unerring Proofs of that, as the Original Foundation of that Supreme Power ; 'tis not only to oppose the constant Judgment of all learned Men, who have understood and wrote impartially of our Government, but even the Sense of many of those Writings which have been produc'd and read to you in the Doctor's Defence, and more particularly that of the judicious Mr. *Hooker* : To deny and condemn the Original Contract between King and People, what other Consequences could it produce, than to unhinge the Government, and to destroy that excellent Balance of Power, which is secur'd by it, and by which it has been so long preserv'd ? It must weaken the ancient and just Prerogatives of the Crown, subvert the Foundations of your Lordships Legislative and Judicial Powers, render the Parliamentary Rights of the Commons precarious and uncertain, and terminate at length in that absurd, yet dangerous Opinion of the *Patriarchal Right*, which, when joined together with the Doctrines of absolut and unlimited Non-Resistance, and unconditional Obedience of the Subject to their Prince, compleats that fatal System, which has been, of late, so much contended for, towards the enslaving Mankind.

But your Lordships will consider further, what Use and Application was made of this Passage by the Council ; his Conclusion was, *That till the Legislature had determin'd what the Contract was, and what Breach of it shall discharge the Subjects of their Allegiance, he took leave to say, that Resistance still stood upon the Foot of 25 E. 3.*

My Lords, We stand here entrusted to maintain the Charge contain'd in our Article to assert the Justice of that Resistance only, which brought about the late happy Revolution ; and that being the Resistance in question, and to which alone we have apply'd our selves, and in Support of which the Original Contract was mention'd ; what is the plain *English* of this Inference drawn from the denial of it ? Does it not amount to an open and positive Declaration from the Mouth of Dr. *Sacheverell's* Council, That that Resistance which was the

necessary Means us'd to bring about the late happy Revolution, instead of being an Honourable and Lawful Resistance, was an Act of Rebellion and High-Treason ?

Having consider'd these Particulars, I beg your indulgence to make a few Observations on the Nature and Method of the Defence to this Article : Your Lordships will remember, tho' it seems to have been totally forgot on the Prisoner's part, that the Maintenance of this Article has not rested on the Doctor's general Assertion alone, but upon the following Passages, now stated to you ; from whence we have undertaken to convince your Lordships, that Doctor *Sacheverell* has apply'd that general Rule of Non-Resistance to the particular Case of the Revolution ; and this having render'd the Independant Consideration of the general Assertion, wholly immaterial, when you afterwards heard the Admissions that were made by the Council, of the Legality of the Resistance us'd to bring about the Revolution, your Lordships might reasonably have expected, that the only Question remaining on this Article would have been, How far those subsequent Passages of the Sermon did evince the intent of the general Assertion ? But, tho' the Question has been thus plainly stated and maintain'd, and the Method of the Doctor's Vindication thus clearly pointed out to him, yet how little has been said ? how little notice has been taken of this, which was his proper Defence ? The Gentleman who began the Defence has, indeed, denied the Charge of this Article ; the Force of that, and of his Argument, which followed, have been considered ; but if your Lordships shall not think fit to accept that single Attempt as sufficient to acquit the Prisoner, (together with a nervous Observation of the Interposition of some Lines between the general Assertion, and that Sentence wherein the Revolution is named) how much will your Lordships find, throughout that long and labour'd Harangue, that can be judg'd by you at all material to the true Question before you ? For, tho' the general Doctrine of Non-Resistance, the Doctrine of the Church of *England*, as stated in her Homilies, or elsewhere deliver'd, by which the general Duty of Subjects to the Higher Powers is taught, be own'd to be, as unquestionably it is a godly and wholesome Doctrine ; tho' this general Doctrine has been constantly inculcated by the Reverend Fathers of the Church, dead and living, and preach'd by them as a Preservative against the Popish Doctrine of deposing Princes, and as the ordinary Rule of Obedience ; and, tho' the same Doctrine has been preach'd, maintain'd and avow'd by our most Orthodox and able Divines from the time of the Reformation ; And, how *Innocent a Man* soever Doctor *Sacheverell* had been, if, *with an honest and well-meant Zeal*, he had preach'd the same Doctrine, in the same general

ral Terms in which he found it deliver'd by the Apostles of Christ, as taught by the Homilies, and the Reverend Fathers of our Church, and, In Imitation of those great Examples, had only press'd the General Duty of Obedience, and the Illegality of Resistance, without taking Notice of any Exception; yet, what Excuse can be derived, to the Matter now in Question, from such Considerations as these, in Favour of the Doctor, who, has not only asserted the general Rule in Terms of the greatest Latitude, but has expressly mention'd and disallow'd the Exception of the Resistance, which brought about the Revolution? And whatever is the Language of our Laws *repealed or in force*, wherein the same general Duty of Subjects is stated, and the Rule laid down to them, as Necessary and Fundamental for the Safety of the Crown and Government, and the Peace of the Kingdom, and which are meant to enforce and secure their Civil Obedience in ordinary cases (but which no Body will say can be construed to extend to the case of a People threatned by their Prince with total Destruction, the utter Subversion of their Laws, and the loss of their Religion and Liberties, to a case of the last Necessity, *such a Case as the Revolution was*, yet no Use can possibly be made of such Declarations in our Acts of Parliament to justify the Doctor, who by his general Assertion, has not only out-gone even those general Declarations, but has undeniably applied it in Condemnation of the Case of the Revolution, which is the Charge of this Article.

Your Lordships will allow me to observe yet a little further; The Nature of this Article appearing to every Body to be of that near Concern to Her Majesty and her Government, you have, indeed, heard very warm and pathetick Expressions of Loyalty, of very tender and dutiful Regard to Her Majesty's Title, and much Labour and Vehemence was us'd to persuade your Lordships into a Belief of this: But yet, your Lordships could not but observe, where the real Stress and Force of the Argument was plac'd, and where it center'd at last; your Lordships will find, the great Effort was made to Establish the general Doctrine of Non-Resistance, to inculcate this, in Terms of the largest Extent, in the same universal Terms, wherein the Doctor has deliver'd it, and than which I am at a loss to find Words, that can extend it further: If your Lordships should think fit to look back, with particular Exactness, upon the several Discourses, which have been made from the Bar, on this Article, and, for your more accurate Judgment, shall think proper to lay them together, and observe their Consistency; and if, from such an Examination, you should see Cause to compare that, which was first deliver'd, with that which was afterwards *spoke* by the Doctor himself,

(for, my Lords, between them the Resemblance seems to be the nearest, and *the Difference between them in the Notions of Allegiance but very small*;) your Lordships, may perhaps in a great measure, Collect from the thence true Genius of this Defence. Your Lordships will observe, in how different a Manner, with what different Zeal, the main Points in Agitation have been handled by them; I mean, the Justice of the Resistance, which brought about the Revolution, and the general Doctrine of Non-Resistance. It has already been observed to you, that the Doctor himself made no Admissions concerning the Lawfulness of that Resistance, but has *us'd Expressions* of due Regard to the Protestant Succession; The Gentleman, who open'd the Defence, it being, it seems of no Consequence to the present Occasion, came to no Declaration in this Point of the Protestant Succession; But, as to the Honour and Justice of the Revolution, his Approaches are nearer; He has acquainted your Lordships, That *there is nothing further from our Hearts, nor any thing less Necessary for our Defence, than for us to call in Question the Justice of the Revolution*. At another time, he delivered himself in general Terms: *Such a Case*, (that it is a Case of Necessity, a Case never to be mentioned, but to be supposed and implied) *the Revolution was*: But, in other parts of the same Discourse, the Expressions even concerning the Revolution will be found to be more reserv'd and wary, and always soften'd with some saving Particle: Thus shy and tender at the best, have the Admissions been from those two Discourses, of the Lawfulness of that Resistance which brought about the late Happy Revolution: But, as for the Doctrine of Absolute Unlimited Non-Resistance, by which, if it be not an Erroneous Doctrine, the Justice of the Resistance, which was the Necessary Means that brought about the Revolution, (and in pursuance of which the Crown was settled on Her Majesty and the Protestant Line) must for ever remain Condemn'd; What Fervency and Copiousness of Expression was used to Establish that? What Cautions have appear'd to guard and secure this Doctrine as Inviolable? How often, and with what Zeal was it inculcated, that the general Doctrine was that Doctrine which alone was to be preach'd and press'd? The Exception, *The Case of Necessity, the Case of the Revolution*, the only Case contended for, was not fit to be mention'd; The Doctor's general Rule was that alone which was proper to be inculcated and believ'd; the excepted Case never to be stated; but to be suppos'd or imply'd and *to be left to justify it self*.

My Lords, How comes it to pass, that so little Concern has been shewn in the Course of this Debate from the Bar, to that which was the proper Defence of the Criminal, to clear
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the Passages of his Sermon from the noxious Meaning, they had been shewn to bear? How comes it to pass, that the Honour and Justice of the Revolution is thus tenderly Acknowledged; but yet all that has been said to Support it, has by this Gentleman been endeavour'd to be enervated, and at the same Time the extreamest Zeal shewn to Establish the general Position, tho' altogether immaterial? I'll once more venture at a *charitable Reconciliation* of those seeming *Inconsistences*: Upon a very strict and minute Recollection, your Lordships will find that *the Resistance*, the *Necessary Means* us'd to bring about the Revolution, is never once Acknowledg'd in that first Discourse, in *plain and express Terms*: The Case of Necessity in general, the Case of the Revolution, was so ambiguously spoke of, and so skilfully given up, that by the *kind help of some happy Distinction*, when *the Season is proper*, 'twill be easie to retrieve; tho' your Lordships may remember some plausible Expressions concerning the Justice of the Revolution, yet you will find the real Conclusions of the Discourse tend to condemn it; and such remarkable Instances chosen, such as the Case of the two *Spencers*, which, being applied to the Case of the Revolution, represent its Principles damnable, its Consequences detestable, and the Assertors of it deserving Banishment; Your Lordships will find the Argument so well adjusted to the *main Point in view*, to Establish the *slavish Doctrine of Absolute Unlimited Non-Resistance*, that, if the worst should happen, even that against which we are now contending, the judicious Reserves that Gentleman has used on the Point in Question, and the real Service he may be thought to have done to that *slavish Doctrine*, may in due time, raise a Merit in Favour of all its Consequences.

But, as an undeniable Evidence of a *sincere Affection* to the Case of Necessity, the Case of the Revolution, let me put your Lordships in mind of the Passage quoted from Mr. Pym in his Declaration against Doctor *Manwaring*: The Doctrine Preach'd in those Days, and for which he was Impeach'd by the Commons, was, the attributing an Absolute Power to the King over the Property of the Subject, tho' with some *deceitful* Limitations, as that of extreme and urgent Necessity. Mr. Pym had shewn the Vanity and Fruitfulness of that Limitation, it being left to the Prince to determine what is urgent and pressing Necessity; and to represent the Danger of such a Case, of allowing any Exception upon any Pretence, even that of Extreme Necessity, he cites the Charter of *Lewis X.* of France to the Dutchy of *Normandy*, wherein that Prince having acknowledged the Franchises of the Dutchy, and granted to them, That for ever afterwards they should be free from all Exactions from him and his Successors, these Words followed,

unless great Necessity required; which small Exception, Mr. Pym observed, had in time devoured all their Immunities. Mr. Pym in that Speech, arguing against the Position advanc'd by Dr. Manwaring, condemns the least Pretence of any Exception: The Gentleman, who quoted this passage from him, having endeavoured to establish his general Doctrine of Absolute Non-Resistance, the Doctrine preach'd by Dr. Sacheverell, and having shewn the Danger of mentioning any Exception to it, even that of the Case of Necessity, and such a Case, he had before told your Lordships, the Revolution was, concludes from that Instance, That such Exceptions would in time devour all Allegiance. This, my Lords, hath been the Method, these have been the Arguments us'd to acquit the Doctor, to shew the Innocence of his Intention, and that there was no Design, either in his Sermon or his Defence, to condemn the Resistance, the necessary Means which brought about the late Happy Revolution; And from these Observations you may possibly discern the Consistency of the whole Defence. I beg leave only to turn the Case, to suppose a Case of a real Design to condemn the late Glorious Revolution, and all the happy Consequences of it: At a time, when express Declarations of such a Wicked and Traiterous Intention may not be judged proper; at a time, when some plausible Expressions of the Justice of it, may be thought Useful and Necessary; and, at such a time, let the Illegality of Resistance on any Pretence whatsoever be laid down and enforc'd in its utmost Extent; let the Danger of stating or mentioning any Exception to it, be strongly inculcated; let the Justice of the Exception, even of the Case of Necessity, such a Case as the Revolution was, be illustrated by an Instance, wherein 'tis expressly condemn'd; and, May it not be said, 'Tis easie to discern what Spirit such a Person is of, of what Party he is, what he aims at, and what he intends? That he has not been speaking in Defence of the late Revolution, can't be look'd upon to have been arguing for it, and to shew the Justice of it, but was covering the Treason of his Heart, and under pretence of justifying one Revolution, was labouring to bring about another? But, what vain Imaginations must possess those Minds, which can flatter themselves into a Belief, that even, whilst they are maintaining Principles that tend most certainly to undermine the Foundation of Her Majesty's Government, and the Protestant Succession, the most Solemn Protestations out of the same Mouth, and in the same breath, should pass for an Atonement with your Lordships, or give Satisfaction to any that hear them?

My Lords, Your Lordships will consider the evident and necessary Tendency of the Doctrines, which have been preach'd by the Prisoner, and have been again asserted, though not
openly

openly avowed, in their full Extent and Consequence, in Defence of this Article. The Doctrine of *Absolute Non-Resistance*, the condemning the Original Contract, renouncing the Ancient Legal Constitution of the Government, which is our Title to our Liberties, are Positions, which can bear no better Tendency, than to shake the present Settlement of the Crown, and our present Establishment, and to make way for the Pretence of a Natural and Divine Right of Succession: Are not those the Principles taught, and avow'd by Papists and Nonjurors, and whereon their Hopes are founded? And are they more Wholsome, or less Dangerous, when they fall from the Mouth, or drop from the Pen of the Prisoner, or are asserted in his Defence, tho' gilded over with specious Pretences, and under the Umbrage of a true Son of the Church? If these Doctrines of Unlimited Non-Resistance, of a sole Hereditary and Divine Right of Succession to the Crown, are the very Doctrines, on the Belief of which, the professed Enemies of Her Majesty and Her Government, inviolably engage themselves against Her Title, and against the Protestant Succession; If these are the Tenets, by which they openly condemn the late Glorious Revolution, and all its Consequences, from which Part of this Defence can your Lordships collect the Innocence of the Prisoner: By what way of Reasoning can it be concluded, that the same Opinions, embrac'd by this Gentleman, do not inevitably engage him in the same Interest?

Sir Peter King. **M**Y Lords, It is my part to reply to the Answer that has been given by the Doctor, to the Charge of the Commons of Great Britain, with Relation to the Second Article. When I was entrusted by the Commons to manage this Part of the Charge, I both quoted and read the Passages of the Sermon, to make good that Charge; I did not desire that any thing should be taken upon Trust, nor any thing receiv'd against him but what appear'd from his plain express Words, or by clear, necessary and unavoidable Consequence. Indeed, after the whole Sermon had been read by the Clerk, I thought it too great a trouble to your Lordships, to have the Clerk read over the particular Passages again at the Table, and therefore I read them myself, truly and fairly, as they were in his Sermon; and If I had done otherwise, the Doctor and his Council would have set me right, I agree with the Doctor and his Council, that in a Case of this Nature, and I will say further, in all Cases whatsoever relating to Crimes, the Charge must be maintain'd by positive plain Words, or necessary and unavoidable Inference, such as no reasonable Man can withstand the light of;
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and therefore, if there were nothing in this Case but dark Hints, strain'd Innuendo's and forc'd Constructions, I am sure, neither the Commons of *Great Britain*, nor my self, would appear before your Lordships with an Attempt to make out a Charge of this Nature; If it is not prov'd by plain, positive and exprefs Words, or necessary and unavoidable Inference, I am sure your Lordships will never convict him; because it would not be just and right so to do. It is a perverting of Common Justice to condemn a Person without plain and direct Proof; therefore what we represent to your Lordships is, That by plain and clear Passages in his Sermon, he is guilty of the Charge in the Second Article, of maintaining, That the Toleration granted by Law is unreasonable, and the allowance of it unwarrantable; and that he is a False Brother with Relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience.

When the Doctor put in his Answer to this Article, he had not found out that there was a Toleration granted by Law to the Dissenters, but his Council have now found it out, and they do agree, that there is a Toleration granted by Law, and that it is that Indulgence which is contain'd in the Act, made in the time of the late King and Queen; but they insist at the same time, that the Doctor in his Sermon has not condemn'd or censur'd that Toleration; they say, he has condemn'd a Toleration, but they insinuate there are two Tolerations mention'd in his Sermon, the one a Toleration granted by Law, which he allows and approves of; and the other a general unlimited Toleration, which they admit he does condemn; so that we are now agreed upon the Word Toleration, and they admit that he doth in his Sermon Censure and Condemn a Toleration; But, say they, it is not the Toleration granted by Law, because he took Care in his Sermon that his general Expressions should not be misconstru'd, and put in this exprefs Caution in the 20th Page: *I would not be here misunderstood, as if I intended to cast the least invidious Reflection upon that Indulgence the Government has condescended to give 'em, which I am sure all those that wish well to our Church are ready to grant to Consciences truly scrupulous, let them enjoy it in the full Limits the Law has prescrib'd.* This, they say, is an exprefs and full Declaration of his Meaning, that he is not against the particular Toleration granted by Law; and therefore all those other Passages in his Sermon condemning Toleration, are to be applied to a general Toleration, and not to the particular Legal one.

When I made out this Charge, I mention'd this Caution of the Doctor's, but at the same time submitted it, whether such a general Expression as that is, could screen him from other plain

plain Passages in which he has condemn'd the Toleration; if in other Places he has condemn'd it, this Caution is but *Protestatio contra factum*; an oblique Defamation may be as Criminal as a direct one: In the common Cases of Scandal, if I obliquely defame another, and describe him so that it is impossible but every one must know him, it is no Excuse that I do not positively accuse him; so that the Question will be, whether the Doctor has not in the other Passages cited against him plainly censur'd and condemn'd the Toleration granted by Law.

The first Passage cited out of his Sermon, to prove this Charge upon him, was in the 10th Page; I trouble your Lordships with reading it again, that I may be sure to do him no Injury; the Words are, *So that in all those Cases before mention'd, whosoever presumes to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraign'd as a Traytor to our State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical.*

The former part is relative to what went before, the latter part is a general Assertion, That *Heterodoxy in the Doctrines of the Church infers Rebellion and High Treason in the State.*

The relative part of this Clause has Relation to the several Doctrines mention'd before, among which, one of the Cases and Instances of False Brotherhood, is, *The affirming, that the Divine Apostolical Institution of Episcopacy is a novel Doctrine, not sufficiently warranted by Scripture; whoever affirms this, is guilty of an Innovation or Alteration of the Articles of our Church:* Now the Dissenters of all sorts universally hold this Proposition, and they are exempted from subscribing the 36th Article which asserts Episcopacy: But, saith the Doctor, tho' they are exempted, yet whosoever asserts this Proposition is to be punish'd as a Traytor to the State, as well as an Enemy to the Church.

The Learned Civilian of Council for the Doctor says, That the reading the whole Passage, will shew that it was not intended for the Dissenters, but for One in Holy Orders; that if such an One should maintain this Doctrine, *he would be an Apostate from his own Order*; now this Allegation is true, as it stands in p. 8. absolutely consider'd in its self, it is there apply'd to one in Holy Orders; but as it stands in relation to this Clause, in p. 10. it is a general Assertion, That *whosoever innovates, or alters that Article of the Church which the Dissenters do, ought to be Arraign'd as a Traytor to the State.*

Another Answer that hath been given hereto is, That the Doctor there means those who are for Innovations and Alterations in Matters of Faith, which can't respect the Dissenters
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or their Toleration, becaule the Dissenters agree with the Church in Matters of Faith and differ only in Matters of Discipline. But you give this Turn to it, it alters the Sense and Meaning of the Doctor, for he is not speaking here of Matters of Faith, in contradistinction to Matters of Discipline, but he is speaking in general of the Articles of Faith of our Church; *Whoever presumes in any of the Cases before-mentioned to innovate, alter, or misrepresent any Point in the Articles of the Faith of our Church, ought to be arraign'd as a Traytor to the State.* Now, what are the Articles of Faith of our Church? Are they not the Thirty-nine Articles? Are not they the Articles of the Faith and Religion of the Church? Doth not the Thirty-sixth Canon expressly require the Clergy to subscribe willingly, and *ex animo*, That all and every the Articles of Religion, being in number Thirty-nine, are agreeable to the Word of God? Now, if the Thirty-nine Articles be the Articles of Faith of our Church, and the Dissenters disbelieve the Thirty-sixth Article, and if for that Innovation or Alteration they are to be arraign'd as Traitors to the State, what then is become of the Toleration, that exempts them from Penalties, and from subscribing the said Thirty-sixth Article?

As to the general Proposition immediately following in the same Clause, *viz. Heterodoxy in the Doctrine of the one, naturally producing, and almost necessarily inferring Rebellion and High-Treason in the other, and consequently a Crime that concerns the Civil Magistrate as much to punish and restrain, as the Ecclesiastical*: I don't remember that any Answer whatsoever is given to it by the Doctor or his Council. And I pray your Lordships cast your Eyes on this, and see here is an Affirmation, That any different opinion in any of the Articles of the Church, is a Crime against the State. Now, all the Dissenters are exempted by the Act of Toleration from subscribing three Articles and an half, others from four and an half, and others from all. And when this Act grants them all these Exemptions, shall it be affirm'd that this Heterodoxy allow'd by that Act is High-Treason and Rebellion, and that they ought to be arraign'd as Traitors? I submit to every one's Judgment, Whether any thing can be more plain against the Toleration than this?

cc The next Passage cited out of his Sermon, to prove the Charge of the Second Article, is in the 16th and 17th Pages: *What could not be gained by Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, What they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pull'd down, it may be blown up; and no matter with these men how 'tis destroy'd, so that it is destroy'd.*

My Lords, Here is an Affirmation, That Toleration was doing open Violence to the Church, That the False Brethren had a Design by Toleration to pull down the Church. Now the Answer given to this by one of the Council, is what one can scarce imagine he was serious in, *viz.* That this doth not suggest the Toleration to be unreasonable, or the Allowance of it unwarrantable, but that it is rather a Commendation of the Toleration, because it shews that it could not do the Church any Hurt, it could not pull down the Church, and therefore they have found out a more Pestilent Way, of Occasional Conformity and Moderation. But all that can be collected from hence is, That Toleration is a less successful Evil than Moderation; Toleration was storming the Church by Violence, and an endeavouring to pull it down; but tho', by the good Providence of God, it has not been so successful an Evil as Moderation, which is a secret Treachery to undermine the Church, and blow it up, yet it is an Evil: And to suppose the Church to be either pull'd down, or blown up, which way soever it be done, it is so great an Evil that every Member of the Church must be for preventing it, and using all his Endeavours to prevent both those Evils, and therefore to represent Toleration to be such an Evil to the Church, as to be doing open Violence to the Church, and pulling it down is an undue Reflection on the Fathers of the Church, and on that Parliament that granted that Toleration, as if they concurr'd in Endeavours to pull down the Church, and destroy it.

Another Passage, in Page 14 of the Sermon, was cited by the Council of the other side, as a Passage cited by me to make out the Charge against the Doctor, but herein they mistook me, it was not cited by me for that Purpose, but to shew that the Doctor understood the Act of Indulgence to be a Toleration; and the Passage was this; *Certainly the Toleration was never intended to indulge and cherish such Monsters and Vipers in our Bosom, that scatter their Pestilence at Noon-day, and will rend, distract and confound the firmest and best settled Constitution in the World.*

I cited this Passage to shew, that the Doctor himself, at the Time he preach'd this Sermon, knew what was meant by the Toleration; and it plainly proves it, and the Doctor himself, doth not now disown it; but as to the Proposition it self contain'd in that part of his Sermon, I agree with him that the Toleration was not intended, and I hope will never be made use of, to support Atheism, Deism, Tritheism, or any such Monsters and Vipers, but only dissenting Protestants.

The next Passage I cited was in the 8th Page; *If upon all Occasions to comply with the Dissenters both in publick and private Affairs, as Persons of tender Conscience, and Piety, to promote* >>

mote their Interests in Elections, to sneak to them for Places, and Preferment, to defend Toleration, and Liberty of Conscience, and under the Pretence of Moderation, to excuse their Separation, and lay the Fault upon the true Sons of the Church, for carrying Matters too high; if to court the Fanaticks in private, and to bear 'em with Patience, if not Approbation, rail at and blaspheme the Church, and upon Occasion to justify the King's Murder; if to flatter both dead and living in their Vices, and to tell the World that if they had Wit, and Money enough, they need no Repentance, and that only Fools and Beggars can be damn'd; if these I say, are the modish and fashionable Criterions of a true Churchman, God deliver us all from such False Brethren. So that here the Doctor makes it one of the Characters of a False Brother to defend Toleration and Liberty of Conscience.

The Answer given to it is this, That where the Doctor blames those that defend Toleration, it is not those that defend that only and singly, and do no other thing, but they must at the same Time not only defend Toleration but excuse the Separation not by Reason of the Toleration, but *by laying the fault on the Sons of the Church for carrying Things too high*: He don't blame them that barely justify Toleration, unless they fall too on the Sons of the Church for carrying things too high. But whether or no that Place is capable of such an Interpretation, your Lordships will be the best Judges, by looking on the Place, and considering whether any two of those Characters are to be united in any one Person to make him a False Brother. Whether these several Characters are not so many different Criterions of False Brotherhood; if he does defend Toleration and Liberty of Conscience; if he does excuse their Separation, and lay the Fault upon the true Sons of the Church for carrying Matters too high, &c. They are all different Marks of False Brotherhood, so that whosoever defends Liberty of Conscience and the Toleration is a False Brother.

It was also answer'd, That in the Act of Indulgence there are a great many Restrictions, and therefore this Passage must be understood of a Toleration of such as are not qualified by the Act to receive it; and for that end the Act was read, in which are several Restrictions, and the Toleration is not unlimited, but to Persons under such and such Qualifications, conforming themselves to the Rules there laid down. But what Foundation is there for this Answer in the Passage its self? Doth he there condemn Toleration in general, doth not an Universal indefinite Proposition include all manner of Toleration, whether general or special? If he had meant it in this restrained Sense, he should then have express'd himself, that he that defends Toleration, except such Toleration as is allow'd by Law, is a false Brother; but not doing so, but expressing it

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generally, it is plain that he has condemn'd that Toleration that is granted by Law, and it is submitted to your Lordships that this is a plain Proof against him of this Article.

The next Passage is that relating to the Perfidiousness of Archbishop Grindal, in deluding Queen *Elizabeth* to the Toleration of the Genevian Discipline; the Doctor in his Answer did conceive he had good Authority from History to make out that Assertion, but whether he had or no, he did apprehend that such Assertion was no Proof of his maintaining or suggesting, that the present Legal Toleration was unreasonable, or the Allowance of it unwarrantable.

I did in making out the Charge, agree with the Doctor, That whether he was or was not mistaken in that Fact, was not the material Point in Question; but that he had put it on the right Question, Whether that assertion, true or false, relating to Archbishop *Grindal*, was a Condemnation of the Toleration now granted by Law; to that I principally applied my self to show that that Fact, as stated by the Doctor, was a Censure of the Toleration; not forgetting at the same time to say something in Vindication of the Memory of that great Prelate.

But now, the Doctor's Council in their Defence, have in a great measure quitted the true Point that the Doctor rightly put it upon in his Answer, and instead of endeavouring to shew that this is no Reflection on the Toleration, have rather endeavoured to shew that this Fact of the Archbishop is true; That the Reason of his Disgrace was for deluding the Queen to the Toleration of the Genevian Discipline, and for giving up the Discipline of the Church: That at that time there was no Law to indulge any Separation from the Church, and therefore for the Head of the Church under the Queen, to give up the Discipline of the Church, was an High Crime in him; and tho' it be an harsh Term, yet it was true to call him a perfidious Prelate, and false Son of the Church.

For this end they did produce and read two Letters, the one from Queen *Elizabeth* to the Bishops throughout *England* for suppressing the Exercise called Propheying, and the other of the Archbishop to the Council; and out of these two they say there is Proof out of the Archbishops own Mouth, that the Reason why he was under a Suspension, was for deluding Her Majesty to permit a Toleration of the Genevian Discipline, and that he acknowledged the Justice of his Punishment for that Crime: and they farther aggravate it, that it would be an invidious Reflection on the Character of that glorious Queen, that she should cause an Archbishop to be Suspended for Prosecuting *Julio the Italian* for having two Wives, or for not giving up the Palace of *Lambeth* to the Earl of *Leicester*; as If

I had insinuated, or could have imagined, that the apparent visible Reason of the Disgrace of the Archbishop, were these things ; no, it can't be thought I meant so : The apparent visible Cause of *Grindal's* Disgrace, was, no doubt, the encouraging of the Exercise called Prophefying, and Queen *Elizabeth* knew no other ; but yet the real Spring, the secret History, and true Reason was the Artifice of the Earl of *Leicester*, who had the greatest Power and Credit at that time with the Queen. The good Archbishop had by his Prosecution of *Julio* the *Italian* Physician and his Refusal to alienate *Lambeth*, offended this great Earl, who thereupon meditates Revenge against him ; and knowing the Archbishop to be a great Favourer and promoter of the Exercises called Prophefying, which were far from being Conventicles, or parts of the *Genevian* Discipline, he misrepresents these to the Queen, and by those means incens'd the Queen, and the Queen was angry with the Archbishop only upon the account of these Prophefying, but these Misrepresentations that incens'd the Queen had not been, if the Archbishop had not first incens'd *Leicester* in the forementioned two Particulars ; to make this out to be the Fact, I desire your Lordships Patience whilst I refer to one or two Histories of good Credit. *Fuller*, in the ninth Book of his Ecclesiastical History, p. 130. after he hath recited a long Letter of *Grindal's* to the Queen about this matter, thus Concludes ; *Alas ! all in vain ; Leicester had so fill'd Her Majesty's Ears with Complaints against him, there was no room to receive his Petition. Indeed Leicester cast a covetous Eye on Lambeth House, alledging as good Arguments for his obtaining thereof, as ever were urg'd by Ahab for Naboth's Vineyard ; now Grindal, tho' generally condemn'd for Remissness in this kind (parting with more from his See, than ever his Successors thank'd him for) stoutly oppos'd the alienating of this his Principal Palace, and made the Leicestrian Party to malice him.*

This is as expresse an Account as can be, that this was one of the secret Springs of that Prosecution : And as for the other, That he carried on the Prosecution against *Julio*, that is taken notice of by the same Author in Page 163 ; and by *Camden* in his History of Queen *Elizabeth*, and other Authors ; so that the true secret Reason of *Grindal's* Disgrace, was not for Tolerating the *Genevian* Discipline : And indeed it would be a Paradox, that the Earl of *Leicester*, who was the great Patron and Support of the Puritans, should run down this Archbishop for encouraging of Puritanism ; Can that be thought ? no ; it shews plainly there was some other Reason. And it is no Reflection on Queen *Elizabeth*, that she was deceiv'd by the Misrepresentation of a Person on whom she entirely relied. Princes are not exempt from the common Frailties of humane Nature, and may be impos'd on by those whom they most trust.

But, my Lords, without considering the latent Causes of his Disgrace, let us consider the visible Cause, which was known only to Queen *Elizabeth*; do the Letters which they have produc'd prove, that the Archbishop suffered for deluding the Queen to the Toleration of the *Genevian* Discipline? It appears thereby, that Queen *Elizabeth* was displeased at those Exercises called Prophefying, which the Archbishop encouraged and favoured; but it is a great Mistake to think that those Prophefying were Conventicles or Assemblies of *Puritans*; they were really Meetings of the Parochial Clergy of the Church of *England*, which since have been called Conferences, to improve one another in the expounding of the Scriptures; the manner of these Prophefying was this, the Ministers within each Archdeaconry, or some other Precinct, met on some Week-day in the most noted Place in that Precinct; some ancient grave Minister, appointed by the Bishop, did preside; then every Minister successively, the youngest still beginning, did handle some Text of Scripture, shewing the Sense of the Place, the Propriety of the Words, the Diversity of Interpretation, the Virtues Injoined, and the Vices Prohibited; no Lay-man was ever suffered to speak, nor any Clergy-man, unless first Licensed by the Bishop: This was that which they call'd Prophefying, and continued about Two Hours, and then the Conclusion was with a Prayer for the Queen and all Estates, as is appointed by the Book of Common-Prayer, and a Psalm. Now can any one think this was an Encouragement of the *Genevian* Discipline?

The Parochial Clergy met by Consent of the Bishop, and discoursed about the Meaning of some Text of Scripture, and closed with a Prayer, as is appointed in the Common-Prayer Book, and a Psalm; and can this be said to be encouraging the *Genevian* Discipline? Can this be called the holding of Conventicles, or Receding from the Discipline of the Church? Nothing like it; though, if it were, it appears by the Letters that he did not delude the Queen to encourage the *Genevian* Discipline. No; if this was the *Genevian* Discipline, the Queen would not be deluded by him; and because he would not obey the Queen in suppressing these Prophefying, this was the apparent Cause of his Disgrace.

As to the Letter, because it is said the Archbishop owns his Crime; how does he do it? *I can't deny*, says he, *but that I have been Commanded, both by the Queen's Majesty herself, and also by divers of your Honourable Lordships in her Name, to suppress all those Exercises within my Province that*
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are commonly called Prophecies. He did not deny the Queen had given him that Command, or that he did not comply with it: *But, saith he, I do protest before God, the Judge of all Hearts, that I did not of any Stubbornness or Wilfulness refuse to accomplish the same, but only upon Conscience:* And goes on and shews the Reasons on which that Conscience was founded. He denied it not out of Stubbornness or Disobedience, but out of a Perswasion of Conscience, because he found it profitable and useful to the Church. Well, how did he behave himself under this? *And whereas, says he, I have sustained the Restraint of my Liberty, and Sequestration of my Jurisdiction, now by the space of six Months, I am so far from Repining thereat, or thinking my self injuriously or hardly dealt withal therein at Her Majesty's Hands, that I do thankfully Embrace, and frankly, with all Humility, acknowledge her Princely, Gracious, and rare Clemency toward me, who having Authority and Power to have used greater and sharper Severity against me, and for good Policy and Example thinking it so expedient, hath, notwithstanding, dealt so mercifully, mildly and gently with me.*

What Language more becoming a Grave Prelate could be used? He patiently submits to Her Majesty's Authority, neither Murmuring nor Obstinate; but there being a Superior Obligation of Conscience, which it was not in the Power of any Man to dispense with, he thinks himself obliged, as a true Example to all Clergy-men and others, to submit to the Dictates of his Conscience, but still with Patience, Calmness and Obedience.

Is there any Thing in this that looks like giving up the Interests of the Church? Not only this good Archbishop, but several others of the best Bishops of those Times, had those Exercises in their Dioceses, and concurr'd with him in the Encouragement of them. And can it be thought that those Bishops, who were Exiles in Queen Mary's Time, and were afterwards the happy and glorious Instruments under God in settling the Liturgy and the Articles of the Church, were for giving up the Establishment of the Church, by introducing that which is now insinuated to be the *Genevian* Discipline? But those Bishops then thought it was a likely way to make an honest, learned, and laborious Clergy. Is there any Thing in this to Occasion the Calling him a perfidious Prelate? A perfidious Man is he that violates his Conscience to obtain a Temporal End; but he chose to lose the Queen's Favour, rather than part with a good Conscience.

I never found that Archbishop Grindall was ever spoke hardly of by any *English* Divine of Credit, 'till the Time of Arch-

Archbishop *Laud*; and then, to Extol Archbishop *Laud* for an active, zealous Prelate, it became the Faction to run down his Predecessor, *Abbot*, as a remiss Man, to Court the present Archbishop by detracting from the Memory of the last; and to carry on the Compliment, a Parallel was made between Archbishop *Grindall* and his Successor *Whitgift*. I only mention this, to shew that for a long Time the Memory of that good Archbishop was had in Esteem, and he was always look'd upon as a principal Father of the Reformation of the Church, before this Time.

But, my Lords, it is now Time to come to the main Point; and that is, Whether or no the Doctor's Representation of Archbishop *Grindall*, as a False Son of the Church, and a perfidious Prelate, for doing what he lays to his Charge; and, Whether his Commendation of Queen *Elizabeth*, for the Resolution she took to suppress the *Dissenters*, and for her Prudence in exercising wholesome Severities on them, whereby the Crown sat easie on her Head, be a Censure or Condemnation of the present Toleration. 22

As to this, the Council for the Doctor first say, That in Queen *Elizabeth's* Time Schism was in its Infancy, the number of *Dissenters* were but few, and therefore the exercising of Severities at that Time was Wholesome, because it might have crush'd them in their beginning, and prevented the growing Encroachments of those Persons; but at the Time when the Act of Toleration was made, the *Dissenters* were Increased, and were Possessors of great Property, and it was reasonable to grant them a Toleration, for it might be a Disturbance to the State to exercise those Severities upon them, which might have been safely done in the Time of Queen *Elizabeth*, when Schism was in its Infancy, and their Numbers few: And thence they infer, that what was spoke of the Toleration then, can't be applied to the Toleration now.

My Lords, Supposing the Fact to be true, then it follows that the Justice and Reasonableness of the present Toleration depends only on the Strength and Number of the *Dissenters*: When they are Strong and Numerous, then they are to be Tolerated and Permitted; but when their Numbers decrease, and it shall be alledg'd that they are but few, then they are to be crush'd, and the Wholesome Severities are to be renew'd upon them again; notwithstanding the Preamble of the Bill to prevent *Occasional Conformity*, which says, " That Persecution for Conscience only, is directly
" contrary to the Profession of the Christian Religion, and
" particularly to the Doctrine of the Church of *England*,
" and that the Act of Toleration ought to be inviolably pre-
served.

served. If it ought to be inviolably preserved, then, whether the *Dissenters* in *England* be more or less, they ought to be Tolerated.

This brings to my Mind the memorable Edict that was Publish'd by the *French* King for reversing the Edict of *Nants*, in *October* 1685. the Preamble of which Edict recites, " That by Reason of the great Troubles and Wars
" occasion'd by those of the Reformed Religion, his Grand-
" father *Henry* the Fourth had given them Liberty by the E-
" dict of *Nants*, retaining notwithstanding a Design of bring-
" ing all back again to the *Romish* Church ; and his Father
" and himself had had all along the same Design, and that
" in his Time the best and greatest Part of the *Protestants*
" were Converted to the Catholick Faith, and that by rea-
" son thereof the Execution of that Edict was become of no
" use ; and therefore, entirely to wipe out the Memory of
" those Troubles and Confusions which the *Protestants* had
" occasion'd, he thereby Revok'd that Edict.

May it not be said in this Case, that in Queen *Elizabeth's* Time, because the Number of *Dissenters* were few, therefore those Severities were good ; and that when the Toleration Act was made there were greater Numbers, and therefore those Severities were then fit to be taken away ; but now the *Dissenters* are but few again, therefore it may be fit to return to those Severities again.

Another Answer that hath been given is, That in Queen *Elizabeth's* Time there was no Toleration establish'd by Law, and all the Doctor aim'd at was to Excite the Magistrates to put the Laws in Execution against such Offenders as are not Exempted by the Toleration Act. But I submit to your Lordships whether the Words are capable of that Interpretation. Here is a Commendation of the Piety and Zeal of Queen *Elizabeth*, who resolv'd entirely to suppress the *Dissenters*, and she in her Prudence put those wholesom Severities in Execution. What those wholesom Severities were your Lordships have been told ; they were Hanging, Burning, Abjuration, Confiscation, Imprisonment, loss of Estate, Liberty and Life ; I say no more of them, but I believe there is not one Person here, but if these Severities were to be inflicted on him, would be far from thinking them wholesom, and desire to be excus'd from them. I would not be thought in any Thing to reflect on the Memory of that glorious Queen, who was so eminent an Instrument of God, to deliver this Kingdom from *Popery*, from the Power of *Spain*, and to settle the *Protestant* Religion among us ; but it must be confess'd, there were these Spots and Blemishes in

in her Reign, permitted by God's Providence for wise Ends and Purposes; and this should raise our Gratitude to Almighty God, and our Thanks to Her present Majesty, whose Reign hath exceeded Her Predecessor's, Queen *Elizabeth*, without being chequer'd with any of those Spots or Stains; and as Queen *Elizabeth* preserv'd this Kingdom from the Monarchy of *Spain*, so Her Majesty has preserv'd us from the united Power of *France* and *Spain*, been the Terror of Her Enemies abroad, whilst at the same Time She has, with universal Clemency and Justice, cherish'd and protected all Her Subjects at Home; and as by these Means She has engag'd in the strongest Affection the Hearts of all Her People, so no doubt they will always continue to retain the strictest Duty to a Queen, who hath been so universally good to all Her Subjects.

The last part of the Charge is, that *the Doctor asserts it is the Duty of Superior Pastors to thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration, and insolently dares or defies any Power on Earth to reverse such Sentences.* One of the Council said, that the thundring out those Anathema's, is no more than declaring the Judgments of God denounced in Scripture against the Wickedness of Men; and that he desires the Superior Pastors to denounce them, because the greater the Authority of the Person denouncing them is, the greater Influence they will have on the Minds of the People. But the Anathema's he excites them to, are Ecclesiastical Anathema's, which are plainly Ecclesiastical Censures and Excommunications; it is a plain exciting the Superior Pastors to denounce Excommunications, and other Ecclesiastical Censures. It is said, that this Expression is ty'd up only to those Anathema's and Sentences that are ratify'd in Heaven, and those, they say, no Power on Earth can reverse. I shall not enter into that Question, whether this is a Proposition strictly just in Divinity: All I shall say as to that, is this, that all who have wrote the highest of the Power of the Keys, allow and maintain that there is a double Power, a Power of remitting as well as retaining, of loosing as well as of binding, of opening as well as of shutting, both exercis'd by the Church on Earth. If the Superior Pastor has for good Cause bound or shut any Person out of the Church, that Sentence is ratify'd in Heaven; but yet notwithstanding, if that Person, so censur'd, reforms and amends, and the Church on Earth restore him again, the first Sentence, tho' ratify'd in Heaven, is vacated and done away by the Church's Power on Earth,

But this is not the Matter now before your Lordships ; the Question is, Whether he excites the Superior Pastors of the Church to thunder out their Anathema's against Persons that are entituled to the Toleration ; and I think, that he does so is own'd by his Council ; for they say, that Schism doth expose a Man to the Censures of the Church, that the Dissenters were Schismatics before the Act of Toleration, and that that Act don't excuse the Schism, and therefore remaining Schismatics still, they are still liable to the Censures of the Church : Now I do agree with the Doctor, that the Act of Toleration hath made no Alteration as to the Sin of Schism ; if the Dissenters were Schismatics before the Toleration, they are Schismatics still ; and taking that for granted, then here is the Force of the Doctor's Argument ; The Dissenters were Schismatics before the Act of Toleration ; as they were Schismatics before, so they are Schismatics still ; it is the Duty of all Superior Pastors to thunder out their Anathema's against Schismatics, when they thunder out those Anathema's they are ratify'd in Heaven, whatever is ratify'd in Heaven no Power on Earth can reverse ; therefore, tho' the Dissenters be exempted from Human Penalties by the Toleration Act, and are thereby preserv'd in the free Exercise of their Religion and Consciences ; yet notwithstanding that, *Let the Superior Pastors do their Duty, and thunder out their Anathema's against them, and let any Power on Earth reverse those Anathema's if they can.* Now can there be a more plain, positive and direct Proof of this part of the Article, than this is ? Can any thing be a clearer Evidence to prove this last part of the Charge against him, That *he Suggests and Maintains that it is the Duty of Superior Pastors to Thunder out their Ecclesiastical Anathema's against Persons entituled to the Benefit of the Toleration Act, and that he insolently Dares or Defies any Power on Earth to Reverse such Sentences ?*

My Lords, This is what I have to offer by way of Reply ; there is a Gentleman to come after me, who will amply supply what I have omitted, and therefore I shall not trouble your Lordships any further.

Then the Lords Adjourned to their House above.

Friday,

Friday, March 10. The Tenth Day.

THE Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows :

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before :

Lord Chancellor. Gentlemen, you that are Managers for the House of Commons may proceed in your Reply.

Mr. Cowper. **M**Y Lords, When by Command of the Commons, I spoke to your Lordships a few Days since, in Maintenance of the second Article, towards the Conclusion of what I then said, I presented to your Lordships a short View of what I apprehended we might reasonably expect would be the Consequence of the Doctor's bitter Invectives against the Act of Toleration, and the Persons intended to be protected by it. I likewise took Notice of those Heats and Disputes, of the Feuds and Animosities, which were then apparently stirred up throughout the Kingdom.

I am sorry to have so early an Occasion to say, that my Apprehensions in this Particular were so well grounded: Your Lordships have seen, that this seditious Libel, under the specious Title of a Sermon, calculated to seduce and delude the Rabble, has, even during the Continuance of the Tryal, produced an actual Rebellion; in which several Places of religious Worship (appointed for those Persons, who are by Law tolerated and allowed, but have the Misfortune nevertheless to be represented by Doctor *Sacheverell* as necessary to be destroyed) have been accordingly pulled down, and burnt, in Defiance of the Supreme Power of the Kingdom; and this, my Lords, at the Instigation of one who would be thought an Advocate for Passive Obedience.

I could wish the Prisoner's indiscreet Behaviour (which seems to have abused the Liberty with which your Lordships have indulged him) may not unhappily have given

some Occasion to the Outrage and Violence of late committed, notwithstanding the Apology he has made in this Particular.

Sure I am, that Discord which flames in the Kingdom was unheard of among us, until the Toleration was thus publickly and seditiously branded, until Doctor *Sacheverell* had presumed to represent it to the People, it's impossible to say how ! without referring to his whole Libel.

His Council have observed, that the second Article contains several Charges, and have insisted that the Passages given in Evidence by the Commons, are not sufficient to maintain the first and second ; and as to the third and fourth, they seem rather to justify than deny those Branches of the Charge.

My Lords, The Commons apprehend, notwithstanding what has been said, First,

That Doctor *Sacheverell* has plainly suggested and maintain'd, *That the Toleration granted to Dissenters is unreasonable, and the Allowance of it unwarrantable.*

This, my Lords, we insist he has done, not in ambiguous or doubtfull Words, nor in uncertain Expressions, but in direct and positive Assertions.

The Council admit, That to speak against a Law in being cannot be justified. The Act of Toleration is not only a Law in being, but is a Law which has visibly attained the End for which it was made ; that is to say, by giving Ease to scrupulous Consciences in the Exercise of Religion, it has proved an effectual Means to unite Her Majesty's Protestant Subjects in Interest and Affection.

Yet, my Lords, this Law, which, by the Experience of more than Twenty Years, has been found so useful and necessary, hath been traduced and arraigned by the Prisoner, both from the Pulpit, and the Press, with a malicious and seditious Purpose, to destroy the Publick Peace and Security of the Kingdom.

This Offence, it seems, is of too high a Nature to be justified by the Prisoner and his Council, and therefore it is thought more expedient to deny it. The Turn that's given is this, say they, Doctor *Sacheverell* affirms nothing touching Legal Indulgence or Toleration, but all that he has said respects only Universal Toleration.

My Lords, I thought I had obviated this Excuse, by observing that this Notion of Universal Toleration has been conceived and brought forth since the Impeachment.

However I am willing to enter into the Question, whether the Toleration mentioned in the Libel, is intended or can be understood of Universal Toleration.

Serm. Fol. 34. Your Lordships will find these Words: *Nay, now they have advanced themselves, from the religious Liberty our Gracious Sovereign has indulged them, to claim a Civil Right, as they term it, and to juttle the Church out of her Establishment, by hoisting their Toleration into its Place.*

My Lords, Will any Man deviate so far from Sense, as to say, that the Doctor here meant Universal Toleration, in the Sense the Doctor and his Council have defined it? Is Universal Toleration a Religious Liberty, with which our Gracious Sovereign hath indulged her Subjects? Nay, my Lords, have not every one of them argued, and that rightly, that the Doctor's Universal Toleration is not tolerated by Law? That Atheists, Deists, Tritheists, Socinianists, and those who go to no Religious Place of Worship, are not exempted from the former Penalties? How then is it possible the Doctor should be understood, as speaking of Universal Toleration in this Passage? Is not this directly and positively affirmed of the Toleration, with which the Dissenters are indulged by our Gracious Sovereign? Can your Lordships conceive, the Dissenters are not the Persons intended, when he says *they claim a Civil Right, as they term it, to juttle the Church out of her Establishment, by hoisting their Toleration into its Place?*

Again, Folio 25. *They thrive upon Concessions, take Permission for Power, and advance Toleration into an Establishment.*—Pray, my Lords, what Concessions have been made to Persons not within the Benefit of the Act of Toleration? What Permission is it they can be said to take for Power? What Toleration have they to advance into an Establishment?

My Lords, Folio 14, and in many other Places, your Lordships cannot but see that all the Doctor's Spleen is levell'd at the Legal Indulgence or Toleration. But it is mispending your Time, to prove, what it is impossible not to know, and be convinc'd of, upon reading every Passage in the Libel, where Toleration is but so much as mention'd.

The next thing they urge in the Doctor's Defence is, That if his Expressions do relate to the Legal Indulgence or Toleration, they are so dubious and uncertain, that nothing can be inferr'd from them, without Innuendo's and forc'd Constructions.

My Lords, Now the Question is, Whether Doctor Sacheverell's Expressions relating to the Toleration, and the Persons indulged, are dubious and uncertain? Whether any
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Innuendo, or forced Construction is necessary to demonstrate their Malignity?

Your Lordships will be pleased to remember, that the Council, from the first to the last, maintained very strenuously (as did the Doctor likewise in his Speech) that altho' the Act of Toleration exempts the Dissenters from Penalties, yet they remain Schismatics notwithstanding; for, say they, Dissention was Schism before the Statute, and a bare Exemption from a Penalty has not alter'd the Case, but the same remains Schism still; and the Position, I find, is agreeable to the Doctor's Opinion as deliver'd in his Sermon, with this Addition only, that all Schism and Separation is damnable Sin, without making any Allowance for Ignorance, or Prejudice of Education.

His Words are these, Folio 8. *Is this the Spirit and Doctrine of our Holy Mother, To assert Separation from her Communion to be no Schism, or if it is, that Schism is no damnable Sin?*

My Lords, When I observe in this and other Passages what Spirit this Man is of, I wonder not to find, that the most Christian Vertues of Charity and Moderation are mention'd by him with Slight and Contempt. Folio 25. you will find him citing a Passage from St. Paul's Epistle to the Galatians, Chap. 2. after which he adds these Words: *If our Dissenters, says he, had lived in those Times, they would have branded him (i. e. St. Paul) for an intemperate, hot, furious Zealot, that wanted to be sweetned by the gentle Spirit of Charity and Moderation forsooth!* My Lords, If our Dissenters had lived in those Days, they would have been highly to blame, if they had branded the Apostle with those opprobrious Names; whoever peruses that Chapter, will find there is not the least Occasion for it. But Doctor Sacheverell would willingly have St. Paul thought like himself.

My Lords, I cannot take upon me to say what the Dissenters would have said, had they lived in St. Paul's Days: But for my own part, I cannot forbear saying now, That since it appears to be the Doctor's Opinion that all Separatists are Schismatics, and that all Schismatics are damned, I cannot but think that Doctor Sacheverell wants to be sweetned by that ridiculed Spirit of Charity and Moderation. I own, my Lords, I was amazed to hear this Gentleman in his Speech affirm, that he had not betrayed any want of Christian Moderation in his Sermon: I wish he has not been unmindful even of Christianity it self, when it is so apparent that in this short Sentence, and in the Passage (Folio 24.) which I formerly cited at large, he has sentenced to Eternal Dam-

Damnation, not only the Dissenters of whatsoever Denomination, but those also who defend the Toleration.

It is to be hoped, some Things which he has vowed and said for himself in his Defence, may have more of Truth in them than this has.

But, my Lords, to return: The Doctor and his Council are agreed that all Dissenters are Schismatics, consequently when he speaks of Schism and Schismatics he must mean the Dissenters; and then be pleased, my Lords, to judge if the Doctor's Expressions touching the Toleration, and the Dissenters, can be said to be dubious; On the contrary, whether they are not plain, positive and certain.

Before I enter into this Matter, I cannot but take Notice again of that remarkable Passage (Fol. 16 and 17) *What could not be gained by Toleration, must be brought about by Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can't be pull'd down, it may be blown up; and no matter with these Men how it is destroyed, so it is destroyed.* My Lords, is not here a direct Assertion that the Toleration is downright open Violence, and Occasional Conformity secret Treachery? Is not here an Assertion, that altho' the Toleration has not been able to answer the End for which it was designed, (*i. e.*) to pull down the Church, yet Occasional Conformity may blow it up? Pray, my Lords, what Construction can these Words admit of, *viz.* *No Matter with these Men how it is destroyed, so it is destroyed?* What Men are here intended? Even Dissenters and Occasional Conformists.

Is this Passage doubtful and ambiguous? Is here any Occasion for a forc'd Construction, or an Innuendo? My Lords, 'tis most scandalously plain, and as plainly seditious.

Your Lordships have observed, that neither the Doctor, or any of his Council, (one only excepted) have taken the least Notice, in their Answer of this Passage: It was produced and given in Evidence against him, and twice at least mentioned by the Managers. I wonder the Author wou'd not vouchsafe to explain it. Is not this Silence a Confession of his Guilt?

The Council that did mention it, was pleased to say, that it rather commended the Toleration, than found Fault with it; as if it was some Credit to the Toleration, which was intended to pull down and destroy the Church, that it had not done it. In what Humour, my Lords, that Answer was made, to so high and Criminal a Charge, I know not; the Commons might reasonably have expected a more serious

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Answer. But, my Lords, from hence we conclude that no Answer can be given to it.

Again (Folio 10) the Doctor affirms, *That whoever presumes to alter or innovate any Point in the Articles of the Faith of our Church, ought to be arraigned as a Traitor to the State; Heterodoxy in the Doctrines of the one, naturally producing, and almost necessarily inferring Rebellion and High Treason in the other, and consequently a Crime that concerns as much the Civil Magistrate to punish and restrain, as the Ecclesiastical.* Then he goes on and adds, *This Assertion at first View may look like an high-flown Paradox.*----- I own, at first View it look'd to me something like it, and I am not yet convinc'd but it is so.

Are not the Dissenters Heterodox in Opinion? Consequently they are Rebels and Traitors, according to Doctor Sacheverell, and ought to be punished by the Civil Magistrate as such: That is to say, they are to be hang'd as Rebels, and damn'd as Dissenters.

Still, my Lords, we have the Doctor's Word for it, he has not betray'd the least Want of Christian Charity or Moderation.

Many are the Paragraphs in this Libel equally obnoxious, and which, like these, are too plain to admit of any Answer.

My Lords, I shall not lose Time as to the second Head or Charge in this Article. Folio 8. you will find it asserted, as plain as Words can speak, that to defend Toleration is the Mark or Characteristick of a False Brother; and (Fol. 24.) you will find his Portion assigned him, with all the rest of the False Brethren, *with Hypocrites and Unbelievers, with all Lyars, in the Lake which burns with Fire and Brimstone, with the Grand Father of Falshood, the Devil and his Angels.*

My Lords, The Charge which relates to Archbishop Grindall is, *That Doctor Sacheverell asserts, Queen Elizabeth was deluded by him to the Toleration of the Genevian Discipline; and that, to shew his Resentment against the Arch-Bishop for favouring Toleration, he calls him a false Son of the Church, and a perfidious Prelate.*

The Doctor, throughout his Sermon, is arguing with a furious and intemperate Zeal against the present Toleration; he is representing it as a Law that gives Encouragement and Protection to Schismatical Impostors, Enthusiasts, Hypocrites, to a Mungril Union of Sects, to Fanaticks, Rebels, Traitors, Atheists, Deists, Tritheists, Socinianists, to the Principles of Fanaticism, Regicide, and Anarchy, to Monsters and Vipers, that scatter their Pestilence at Noon-day,

to *Jews*, Quakers, and Mahometans, in a Word, to all False Brethren ; and after a great deal more of this unpresidented Language, he breaks out (Folio 19) *These Charges are so flagrant and undeniable, that a Man must be very weak, or something worse, that thinks or pretends the Dissenters are to be gained, or won over, by any other Grants or Indulgence, than giving up our whole Constitution.*

Have they not, says he, *ever since their unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Bishop Grindall, always improved, and risen upon their Demands in the Permission of the Government ?*

My Lords, I would fain know whether Doctor Sacheverell by these Words, *A Man must be weak, or worse, that thinks the Dissenters are to be won by any other Indulgence than giving up our whole Constitution*, could mean any other than the present Dissenters, and that Indulgence which is at present afforded them.

In the very Line following he calls them *Clamorous, Insatiable, and Church-devouring Malignants* ; and then proceeds in the Words I have mentioned : *Have they not*, (i. e.) the Dissenters, *ever since their unhappy Plantation in this Kingdom, by the Intercession of that false Son of the Church, Archbishop Grindall, improved and risen upon their Demands in the Permission of the Government ?*

The Prisoner's Defence has explain'd this Passage ; they were barely permitted or suffered, he says, for a Time by Queen Elizabeth, but they have improved and risen upon their Demands, 'till in this Age they have obtained an Indulgence by Act of Parliament, and this Act of Parliament is manifestly what the Doctor has taken Offence at.

Then he goes on ----- *Insomuch*, says he, *that Queen Elizabeth, who was deluded by that perfidious Prelate, to the Toleration of the Genevian Discipline, found it such an headstrong, encroaching Monster, that in eight Years she found it would endanger the Monarchy, as well as the Hierarchy : And, like a Queen of true Resolution, and pious Zeal for both, pronounced them Factious, and suppress'd them by wholesome Severities.*

My Lords, I think we should have been wanting in that Duty we owe to the Memory of that great Prelate, and Father of the Church, who was so considerable in establishing the Reformed Religion, had we not taken Notice of these harsh and unjustifiable Expressions.

Doctor Sacheverell speaks of them as carrying an undue Asperity, but such as he hopes may be forgiven, since it was necessary, he pretends, that either Queen Elizabeth, or that Archbishop must bear the Blame ; and he rather thought
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it reasonable to charge it on the Bishop, than to suffer it to lye at the Queen's Door.

My Lords, Your Lordships will observe, that all the Answer he has given to this Part of the Charge, is as if the Commons had impeached him, for being too free with Archbishop *Grindall*, for using, as he calls it, an undue Asperity of Expression towards him.

But your Lordships will discern that this Passage is made use of in our Charge, to shew that the *Dissenters* are represented as headstrong and encroaching Monsters, dangerous to the Monarchy, as well as the Hierarchy; and the Example of Queen *Elizabeth* is produced, to shew how necessary it is by wholesom Severities to suppress them.

Are any strain'd Constructions or Innuendo's necessary to apply this Evidence to the first and main Head of the Charge, which is, *That Doctor Sacheverell asserts and maintains, that the Toleration is unreasonable, and the Allowance of it unwarrantable.*

My Lords, Before I take my Leave of this Head, I cannot forbear saying upon this Occasion, that sure I am the Toleration is not so dangerous to the Monarchy, as is this late Notion of an Hierarchy to the Supremacy of the Queen's Majesty, which however I hope shall be continued and preserved in the Crown of *England*, for the Peace and Safety of the Church as by Law established, to all Posterity.

My Lords, To the next and last Part, which relates to the Thundring out Ecclesiastical *Anathema's*, the Defence is, that those *Anathema's* are not intended against the Persons intituled to the Toleration.

To this I Answer; He is particularly speaking, in this Part of the Libel, of the *Schismatics* and *Dissenters*, and expressly Names them in these Words (*Fol. 25.*)

And yet if our Dissenters had lived in those Times, they would have branded him as an intemperate, hot and furious Zealot.-----Schism and Faction are Things of impudent and encroaching Natures, they thrive upon Concessions, take Permission for Power, and advance a Toleration immediately into an Establishment.----- Are not the *Dissenters* here expressly named? Are we not to understand the Words *Schism* and *Faction*, as coupled with the *Toleration*, to be meant of the *Dissenters*, and of them only? Sure this is too plain to admit of any Doubt.

Then, my Lords, he proceeds; *And are therefore to be treated like growing Mischiefs, or infectious Plagues, kept at a distance, lest their deadly Contagion spread. Let us therefore have no Fellowship with these Works of Darkness, but rather*
reprove

reprove them : Let our Superior Pastors do their Duty, in Thundering out their Ecclesiastical Anathema's, and let any Power on Earth dare reverse a Sentence ratified in Heaven.

My Lords, Is here one Word of Heresies, Blasphemies, and the rest of those Enormous Offences, to which the Doctor would have these *Anathema's* relate? No, there is nothing to be found here but *Dissenters, Schism, and Toleration.*

If these *Anathema's* are to be understood (as certainly they are) to extend to Persons intituled to Toleration; then, my Lords, that Air of Insolence that concludes the Period is explained.

Let our Superior Pastors do their Duty, that is to say, let them exert themselves, and Thunder out their Anathema's, and let any Power on Earth dare reverse them.

These Words, my Lords, seem too big and mighty, to mean any little or subordinate Power.

Thus have we supported, and made good, the several Charges contained in the second Article.

My Lords, As the Commons are fully sensible how necessary it is to support the Honour and Justice of the Revolution, to which we owe no less than the inestimable Blessing of Her present Majesty, the Guardian Angel of this Church and State, the future Expectation of a *Protestant Succession*, the Religion, Laws, Rights, and Liberties of the *British* Nation; so are they thoroughly convinced that the Peace and Welfare, the Security and Strength of the Kingdom in great Measure depend upon the inviolable Preservation of the Act of Toleration, which has been most maliciously and seditiously traduced and misrepresented by Doctor Sacheverell.

Mr. Thomson. **M**Y Lords, It is my Part to trouble your Lordships with a Reply to such Answers as have been offered to the Third Article of this Impeachment; and notwithstanding what has been said by the Council, what has been produced in Evidence, and what has been alledged by the Doctor himself to move your Lordships Compassion. I am concerned, even for his sake, that I can observe it to your Lordships, That the Charge in this Article remains intirely unanswered.

Before I enter into the Particulars, I must observe to your Lordships, that if there were any doubtful, or any the least favourable Construction to be made of some Passages in this Sermon, the Commons would not have given your Lordships this Trouble, nor the Doctor an Opportunity of censuring

furing their Impeachment as a hard-hearted and uncharitable Prosecution.

My Lords, I cannot but think it very ungenerous to insult any Man in Misfortunes, or to treat one in his Condition with Scorn and Indignity, neither have I, or shall I be guilty of it; but I must take leave to say, that no other Interpretation can be made of some Passages applicable to this Head, but what is Criminal, since so many learned Council, since so many able Heads who have assisted the Doctor in his Defence, nay, since he himself, who should know best his own Meaning, has not been capable of giving the least Colour or Pretence of any Construction of them in his Favour.

Whatever Pity your Lordships may be inclined to in your private Capacities, for any one who has (I cannot say through Inadvertency) brought himself into Affliction, whatever Dispositions you may have to Mercy, yet I need not say, that there is a Compassion, a tender Regard due to the Welfare of your Country, a Care incumbent on you to suppress what has the least Tendency to Sedition, and the Disturbance of the publick Peace of the Kingdom, and that these important Trusts have a Claim to your Lordships Justice, preferable to any private Concern whatsoever.

Not to detain your Lordships any longer in Generals, I shall proceed to State the Charge and Defence, that your Lordships may have a view of the Insufficiency of the latter. My Lords, the Charge is, "That the Doctor Suggests and Maintains, that the Church of *England* is in a Condition of great Peril and Adversity under Her Majesty's Administration: He denies that he suggests any Danger to the Church, but only from Vice, Infidelity, Blasphemy and Heresie, but not at all from or under any part of Her Majesty's Administration.

The first Passage I produced to your Lordships, to prove the Charge, was in Page the 5th; I must beg leave to trouble your Lordships with reading it again, because it may be necessary; "Tho' it were very obvious to draw a Parallel here betwixt the sad Circumstances of the Church of *Cornth* formerly, and the Church of *England* at present, wherein our Holy Communion has been rent and divided by Factious and Schismatical Impostors; her pure Doctrine has been corrupted and defiled, her Primitive Worship and Discipline prophaned and abused, her Sacred Orders denied and vilified, her Priests and Professors (like *St. Paul*) calumniated, misrepresented and ridiculed, her Altars and Sacraments prostituted to Hypocrites,

“ *crites, Deists, Socinians and Atheists*; and this done, I
 “ wish I could not say without Discouragement, I am sure
 “ with Impunity, not only by our professed Enemies, but,
 “ which is worse, by our pretended Friends and false Bre-
 “ thren.

The learned Council pretended to shew, that most of these Calamities attending the Church, proceeded from the Blasphemous and Heretical Books and Pamphlets produced to your Lordships, and that the Doctor meant them to be the Cause of the Danger he suggests: Now pray, my Lords, how can that Construction be made? How can this be consistent with the Doctor's Assertion, that all this is done, not only by professed Enemies (which every Body will agree takes in the Infidels, Blasphemers and Hereticks) but by pretended Friends and false Brethren? When I took the Liberty to observe on this Passage, I stated it thus; who could prostitute Altars and Sacraments to *Hypocrites, Deists, Socinians and Atheists*, but some of the Doctor's own Order? And who were to punish those Crimes? Who could they be that did not discourage them, but suffered them to be committed with Impunity, but his Ecclesiastical Superiors? And that they were part of Her Majesty's Administration, no Body could deny.

Now what Answer, my Lords, was given to this? To the first part of this Paragraph, about rending the Communion by Schismatical Impostors, and so to the other Particulars, 'till the last, it was shifted off to the professed Enemies, the *Infidels, Blasphemers and Hereticks, Dissenting Teachers, and Popish Priests*, but nothing laid to the false Brethren, who, the Doctor says, neither Punish nor Discourage. But when the learned Council came to the last Calamity of the Church, that of prostituting the Altars and Sacraments, &c. they are pleas'd to make *Occasional Conformists* their *Atheists*, &c. that receive the Sacraments; but as to the Charge of arraigning the Persons that do not discourage or punish those who prostitute Altars to *Atheists*, &c. they thought fit to slide it over, and not say one Syllable to it; they did not so much as mumble this Thistle, and the others but very tenderly. Pray, my Lords, in the Interpretation I make, where is there any foreign Intendment, any forced Construction, or strained Inference against the Doctor's express Words, and positive Assertions? Let every candid Reader, without Prejudice, impartially consider the Meaning of this Passage; is this a Danger suggested from Books or Pamphlets? Or is it not a plain and direct Invective against those Persons in the Church, who are charged with being the Occasion of these

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Dangers to the Church by their Remissness in their Duty, not only in not punishing, but not so much as discouraging those Crimes: And to whom can his lazy Defenders within relate, but to the same Persons, those that are within the Church, and are to protect it?

But if it were true, that Altars and Sacraments were thus prostituted, why must the World be told in this manner of it? Tho' it is the Duty of a Clergyman at all Seasons, and in all Places, as one of the Doctor's Council was pleased to say, to preach against Vice and Infidelity, Immorality and Prophaneness; yet sure none will say, that he is to revile his Superiors, and charge them in this Method with their want of Duty, and Care for the Church: What other end must such licentious Reproaches produce, but a Contempt of their Persons, a lessening the Dignity of their Order, and a Diminution of that Character which gives them the Capacity of doing good in the World, whilst they preserve a Veneration and Esteem, but which must cease when they meet with the contrary: The Doctor was so sensible of this, when he mentioned it as his own Case, that he thought the very Imputation of a Crime to any of his Function, tho' acquitted of it, must leave a Scar so as to blemish his Character; sure then he ought to have used the utmost Caution, before he preached or published this Sermon, and to have considered the pernicious Consequences of reviling those in Authority. If, as he was pleased to say, ill treating of him, who was an Ambassador of Christ, was despising Christ himself; sure it cannot be thought an unnatural Inference, if Her Majesty is said to be reviled, by reflecting on those who act under Her Commission, and are part of Her Administration.

cc The second Passage I troubled your Lordships with, is in Page 16. he had been talking of the Comprehension and Union of the Church and *Dissenters*, and giving a great many hard Names to it; which Design your Lordships know had its rise from a Commission under the Great Seal from his late Majesty to several Lords, Bishops, and other Learned Divines, who were to consider of proper Methods to accomplish it; " But he thanks God, that Providence had blasted " the long projected Scheme of these Ecclesiastical *Achito-* " *phels*, with other scurrilous Reflections on the Design, and those concerned in it; and then he says, " That since this " Model of universal Liberty and Coalition failed, and " these false Brethren could not carry the Conventicle into " the Church, they are now resolved to bring the Church " into the Conventicle, which will more plausibly and sily " effect her Ruin; what could not be gained by Compre- " hension

“*Comprehension and Toleration, must be brought about by Moderation and Occasional Conformity; that is, what they could not do by open Violence, they will not fail by secret Treachery to accomplish. If the Church can’t be pulled down, it may be blown up; and no Matter with these Men how ’tis destroyed, so that it is destroyed.*”

Now pray, my Lords, where is the forced Construction to make the Doctor in this Passage speak of Persons in Church and State who endanger the Church, and not of Books and Pamphlets, Vice, Infidelity, &c?

He is on his second general Head of the Perils of False Brethren in Church and State, and of those Persons who could not accomplish the Destruction of the Church by the Comprehension, but were doing it another way, by Occasional Conformity and Moderation; I do not know that either of these are condemned by the Law for Vice, Infidelity, Blasphemy, Heresie or Prophaneness; be that as it will, ’tis from the Persons in Church and State the Danger is suggested to arise, and who, as he is pleased to say, make use of these only as means to blow up and destroy the Church: But then I suppose these Persons in the Church must be interpreted to be only the most inferior, and so no Reflection on the Administration: As Men of Characters and Stations in the State were construed to be Constables, Excise-men and Custom-house Officers, so these Persons who were to bring about the Comprehension, and are now blowing up and undermining the Church in another manner, must be Church-Wardens, Parish-Clerks and Sextons. These sort of Constructions by the Doctor’s learned Council, are so easie and natural, that I must agree with his Observation, that they have not much Argument, Learning or Eloquence to support them.

And I cannot but observe a very extraordinary Method of answering this Passage and the next, by one of the learned Council; he is pleased to Cite two other Passages, in the Sermon, which were never mentioned by me, or any of the Managers of this Article, and with very strenuous Zeal he explains those Passages by chiming in with the Doctor, in charging Occasional Conformists with Atheism, Deism, and the worst of Crimes; and then he concludes, that the Doctor, in those Passages he cited, has not asserted the Church to be in Danger under Her Majesty’s Administration, but not one Syllable to this Passage which I cited in *Page* the 16th.

The third Place I troubled your Lordships with, was in the 18th *Page*; his Words are, “*Falshood always implies Treachery, and whether that is a Qualification for any*”

“*one to be trusted, especially with the Guardianship of our*

“ Church or Crown, let our Governors consider: These Words speak so plainly they need no Comment, nor have they offer'd at any Explanation of them; they must relate to Persons, and can have no Reference to Books or Pamphlets, Blasphemies or Heresies, &c. by any Construction whatever.

cc The fourth Passage, my Lords, was in *Page* the 20th; he is talking of Dangers from National Sins, which are occasioned by *Dissenters* and *False Brethren*, and then he says, “ And now are we under no Danger in these deplorable “ Circumstances? Must we lull our selves under this sad “ Repose, and in such a stupid lethargick Security embrace “ our Ruin? I pray God we may be out of Danger; but “ we may remember the King's Person was Voted to be so, “ at the same time that his Murderers were conspiring his “ Death.

The Substance of the Charge in this Passage, Is an Intention to reflect on the Members who Voted the Church to be out of Danger, by the Comparison and Allusion to the Vote relating to the King; the Meaning seems evidently, that tho' the King was voted to be out of Danger, yet he was not out of Danger; and so, tho' the Church was voted out of Danger, yet the Church was then and is still in Danger: But whether he meant it of the Members that passed that Vote, is the Question; he says he only meant it according to his Notion of that Vote of the King, that those not privy to the Design against him voted him safe, whilst others conspired his Murther; so when the Members voted the Church of *England* to be in no Danger under Her Majesty's Administration, it was none of them, but others that were conspiring her Ruin.

The Doctor was pleased to say too, That that Vote was a Year and half before the King's Death, and that there were not a Tenth Part of those Members who voted the King safe, the rest being turned out, and no House of Lords: Be that as it will, they were the same Parliament that voted the King out of Danger; and they that conspired his Death, were part of those who voted him safe, and who turned out the rest to accomplish their Designs: And tho' the Parallel should not run so as to reflect on both Houses of Parliament and all the Members, yet if it glances at some of them, and was so intended, it is a Circumstance of Aggravation, and that is the only Intent of its being part of the Article; and I can't but think the Doctor was apprehensive of some Reflection of that kind, for he says immediately the very next Words, “ That he hopes what he has so freely spoken will “ not

“ not give Offence: If he had not a view to that Vote of the Danger of the Church, there was no occasion for that Apology.

The fifth and last place I troubled your Lordships with, was in the last Page, where there were some Pathetical Expressions which the Doctor chose out of the Scripture, and managed them with others of his own, so as to represent the Church to be in the utmost Peril; he mentions nothing of Vice, Blasphemy or Infidelity, “ But that she lies Bleeding “ of the Wounds she has received in the House of her “ Friends: He cited the *Lamentations* for it, but there being no such Text there, I took the Liberty of saying it was a Lamentation of his own making.

I should not trouble your Lordships any more as to this Particular, but that I am in some measure oblig’d to vindicate my self from what one of the Learned Council hinted upon this Occasion; he was pleased to say in the Defence to the first Article, he was as much at a loss to find out a Passage in the Sermon, as one of the Managers was to find the Text in the *Lamentations*. Tho’, my Lords, this is but a Trifle to the Thing in Question before your Lordships, yet since that learned Gentleman was pleased to Triumph, as if he had me sure and unanswerable on this Point, I beg your Lordships Indulgence that it may appear which of us is in the right.

The Doctor cited that Text to be in the 2d *Lam.* 4th, I looked through the *Lamentations*, therefore knew I might venture to say what I did; I have looked over it again, and am sure there is no such Text there; it gave me occasion to read and reflect on the other Texts cited by the Doctor in the Prophecy of *Zachariah*, the 13th Chapter, where there are some Words that I suppose are meant, though I could not but observe the Doctor to be very unhappy in the choice of his Scripture, this as well as others being directly contrary to his Purpose. The Words cited are in the 6th Verse, the Two preceding Verses explain them; the subject Matter was false Prophecy. In the 4th Verse ’tis said, *It shall come to pass in that Day, that the Prophet shall be ashamed, every one of his Vision, when he has prophesied.* In the 5th Verse the Prophet is to deny that he is a Prophet, and say he is a *Husbandman*, and no Prophet. And in the 6th Verse he is asked where he received his Wounds, he answers, *in the House of his Friends*: So that he retains the Character of a false Prophet all along, and what he says in each Verse is equally true, and consequently that the Wounds he received were not in the House of his Friends. Whatever may be

thought of the Doctor in this Matter, I think I may conclude, that his Learned Council had his Scripture by hearsay, or else he would not have triumph'd when he had so little Reason. There was a Dispute, my Lords, not many Years since, between two Learned Divines of our Church, about the Rights of the Convocation; one insulted the other for his Ignorance in the Common-Prayer Book; but upon Examination it appear'd, that he who triumph'd most was most Ignorant of what he charged on the other: Whether this Case is not somewhat applicable, I submit to your Lordships.

Having done, my Lords, with the several Passages made use of to maintain this Article, I think I may say the Charge contained in it, (That the Doctor asserts the Church to be in Danger, not only generally, or so as to be meant from Vice, Infidelity, Schism or Heresies, Blasphemy or Prophaneness, but from and under Her Majesty's Administration,) is not only affirmed, but strongly proved. He is not charged here with speaking contrary to his Words, or with Negative Crimes, nor is his Silence, as he was pleased to say, made Criminal.

I must now beg leave to observe a little on the Evidence produced on the Doctor's Behalf, and in his Defence to this Article. Your Lordships had a Collection of many scandalous Books and Pamphlets, drawn from Obscurity, to be republish'd to the World, for the more effectual suppressing Blasphemy and Prophaneness: And since the Doctor's Council forbore to mention the Particulars, I shall not enter into them; only in general I think I may say, that they have been proved to be no way material to what is in Issue before your Lordships: But it may not be improper to take Notice, that most of these Books appear'd to have stol'n into the World, and the Authors still concealed; some of them Printed in *Holland* seventeen Years ago, and others Publish'd since the Doctor's Sermon: And for the *Observers*, and *Rights of the Christian Church*, 'tis well known the Author of one, and Publisher of the other have been Prosecuted; so that these cannot be said to be tolerated with Impunity, nor meant as the Provocation for the Doctor's Censure.

I am sorry there are any of these prophane and impious Pamphlets: There are some others too that have been Publish'd within these seventeen Years, which might have been taken notice of, but I don't find them in the Doctor's Catalogue. There was a blasphemous Sermon preach'd and publish'd by Doctor *Binks*; Mr. *Dodwell's Charge of Schism*, and unbi-
shoping

hoping most of the present Bishops; the same Gentleman's *Baptismal Union of the Spirit*, or his *No Immortality of the Soul*; and one Mr. Lesley's *Project of uniting ours and the Gallick Church*. Whether these Books were thought by the Doctor to tend to the right Establishing our Church and true Religion, I need not say, but I do think they were worthy his Notice, and may vie with most in his Collection; and if he had been so incensed against erroneous Doctrines, it had been a worthy Task sure, and well becoming his honest well-meaning Zeal, to have endeavour'd a Confutation of them; then his Asperity in rebuking, his harsh and vehement Expressions, would not have been ill imploy'd; But, instead of this, to turn his Violence against his Superiors, for not Punishing what, it may be, they never heard of; and to lay the Danger from these Doctrines at their Doors, is not to be justified by any pretended Provocation of this kind whatsoever.

There was another Piece of Evidence produced to your Lordships, some Proclamations against Immorality and Prophaneness: If there is any thing to be inferr'd from them in the Doctor's Favour, I must own I can't conceive it. Because the Queen commands the Magistrates to put the Laws in Execution, therefore every private Divine may Arraign his Superiors for a suppos'd Neglect of their Duty, as often as he thinks fit; I say, I don't understand this Inference, but I can easily apprehend the Consequence to all Governments that will suffer such Presumptions.

The Doctor himself was pleased to say, That one of the Dangers of the Church mention'd by him was forgot by the Managers, that was from Papists and their Emissaries: I will do him the Justice to remember, that he had bestow'd six Lines on this Danger, but twenty six large Pages on the Danger from those in Church and State. Then it was said, that the Doctor prays for the Queen, has taken the Oaths to the Queen, and therefore he could have no Intention to Reflect on Her Majesty, or any Part of Her Administration either in Church or State. And the Doctor in his own Speech was pleased to acknowledge Her Majesty to be a Nursing-Mother to the Church, but I could not observe one Syllable to the Reverend Fathers of the Church, of his Opinion of their Care of it; I could hear him admonish that Venerable Bench of the Guilt of departing from the Church, and abandoning the Principles of the Church, if they should Punish him, a true Son of the Church, for Preaching the same Doctrine with theirs; as if there was no manner of Difference whatever.

pag 342. 34
345. 350.

pag. 399

It seems, my Lords, very strange, that after a Charge of this Nature of Reflection upon his Ecclesiastical Superiors, that, after having studied so much Submission, he should not prevail with himself for so much as a Complement upon this Occasion; such Behaviour seems to need no Explanation. I should be very unwilling to recollect any of the Doctor's pag 350. charitable Opinions of his own Brethren, who, as he is pleased to say, can Sacrifice their solemn Declarations and Oaths to Complaisance and Preferments. I would be so Charitable as to believe well, and think favourably of all Men, but when the contrary does so manifestly appear, it would be Injustice to the rest of Mankind not to judge accordingly. It would be a Remissness and Negligence of Duty, justly blameable, if we were to shut our Eyes, and resolve not to see what so evidently threatens the Peace and Quiet of the Kingdom; If Men must be allow'd to vent their Displeasure at such Proceedings of their Governors which do not suit their particular Humours, what must become of the Credit and Reputation of any Government, which is so necessary to preserve it?

Your Lordships have heard a great many Objections against Innuendo's, that they are dangerous Things, and never encourag'd, and that your Lordships have been pleas'd to shew your Dislike of them. I shall not scruple to own, that to lay a Meaning to a Man when his Words will not bear it, to make any invidious Construction when it will admit of a favourable one, I can neither approve or desire. But because the extream or ill Use of any thing is not to be allowed, that therefore you must never apply it at all, is such Logick and Law as I have not been used to.

My Lords, In the Case de Libellis famosis, cited by the Doctor's Council, your Lordships will find, that if only plain positive Assertions are Libels, there will be no Fence against the Envy and Malice of wicked Spirits: And if the Law has guarded every private Man's Reputation, so as not to be blasted by oblique Turns and scandalous Insinuations, it would be very hard if those in Authority should be exposed to the Virulence of every discontented Humourist; Malice will never want a Pretence, or Means to convey Scandal and Reproach by fly Parallels and Allusions, which may do equal Mischief with positive Assertions: But I must observe to your Lordships, That there are not only oblique Insinuations, but positive Assertions.

Not only those Passages which I have produc'd which are express, but the whole Scope and Tenor of his Sermon, relates to the Peril of the Church from Persons in Church and State,

State, and not those evasive Shifts of Vice and Infidelity, Books and Pamphlets. If the Doctor had only Rebuk'd Immorality, Blasphemy, Prophaneness and Irreligion, he might still have attended his Flock, * and they not have been brought to attend him, nor would he have been thought to Arraign the Resolution of the Parliament; but for him to take upon him to Censure and Expose his Superiors, and to insinuate into the Minds of the People the Danger of the Church from those Persons who have the Protection of it, is no likely Method to suppress Immorality and Profaneness, and is directly contrary to the Words and Intent of the Resolution of your Lordships and the Commons.

To what End the Doctor has thought fit thus to disperse his Sermons, may be easily imagined; and your Lordships cannot be unacquainted with the History of a Neighbour Nation, what temporal Ends were to be accomplish'd by a loud Outcry of Danger to the Church, the Church, Religion and the Church. Whether that will not bear a Parellel with the groundless Clamours which have occasion'd many of our present unhappy Divisions, I submit to your Lordships.

It remains, my Lords, that I Answer one of the Learned Council, what the Nature of this Offence is: I shall only tell him in the Words of your Lordships and the Commons Resolution, made publick by Her Majesty's Proclamation, "That whoever creates unreasonable Distrusts, and ground-
"less Jealousies in the Minds of the People; Whoever
"Distracts the Kingdom by false and seditious Rumours of
"the Danger of the Church, to cover Designs they dare
"not own; Whoever goes about to Insinuate that the Church
"is not in a safe and flourishing Condition under Her
"Majesty's happy Administration, is an Enemy to the Queen,
"the Church, and the Kingdom. Which, in other Words,
is, Against the Law, against the Temple, and against *Cæsar* pag 344
has he offended.

Nay, my Lords, has not this bold Offender gone yet farther, has he not told your Lordships at your own Bar, That, pag 338.
notwithstanding the Toleration, the Dissenters are Schismatics, and liable to Spiritual Censure; That by continuing the Indulgence to them, you countenance Schism; and that while Schism is continued, the Church must be in Danger? So that resolve what you please, and make what Laws you will in their Favour, he must Thunder out his vehement *Anathemas* against them, as Dangerous to the Church.

His Parishioners part of the Mob that attended him to and from his Tryal.

This,

This, my Lords, is a Specimen of that Independency of the Church that of late has been so much struggled for, and which, if not confuted in time, by Authority, may soon devour the Supremacy and the State. And since the Doctor has and does still thus presume to Defie and Arraign the Resolution of your Lordships and the Commons, he is properly before this Tribunal; and I may apply to him the Saying to a Goat browsing on a Vine, and which was applied to one of another Function upon such an Occasion, who had defiled the Power of Parliaments.

*Rode Caper vitem, tamen hinc cum stabis ad Aras
In tua quod fundi Cornua possit, erit.*

My Lords, The Commons are so fully assur'd of your Lordships Wisdom and Justice, that they cannot question but your Determination in this Proceeding will be to their Satisfaction; therefore I shall trouble you no farther, but submit to your Lordships Judgment.

*pag 150
and follow.* Serjeant Parker. **M**Y Lords, Having already, by Command of the Commons, endeavour'd to make good the fourth Article of this Charge; It is now my Duty to support, what I offer'd before, both against the particular Objections, and the general Rules, propos'd or insinuated by the Council, or the Prisoner.

The first Thing I attempted to prove by particular Passages, was the second Clause of this Article.

“ That Doctor Sacheverell suggests, That there are Men
“ of Characters and Stations in Church and State, who are
“ False Brethren, and do in themselves weaken, undermine and
“ betray, and do encourage and put it in the Power of others,
“ who are professed Enemies, to overturn and destroy the Con-
“ stitution and Establishment.

That I thought would be plainly made out, if I could shew these two Things:

1. That the Doctor has asserted, in exprefs Terms, of all False Brethren in general, that ~~they~~ *they* do in themselves weaken, undermine and betray, and do encourage and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment: And,

2. That he charges Persons of Characters and Stations with False Brotherhood.

Apprehending the Consequence clear, that if these two Things were asserted by the Doctor, the Charge was just.

I used likewise some farther Proofs, which I shall not need to repeat.

Besides some little Cavils as to the two Propositions, which I shall take notice of by the way; great Complaint is made, often repeated, and much exaggerated, that I have brought together these two Propositions, that are twelve, or nine, or at least seven Pages assunder.

My Lords, I took notice of this *trifling Objection* before, and what I said to it, neither the *Doctor* nor his *Council* have attempted to Answer.

But they all seeming to lay the greatest Strefs upon this Part, and the Council every one repeating it, I beg Leave to state once more how that Matter stands.

The Doctor in this Sermon proposes (1) to describe *False Brotherhood*; (2) To shew the *Mischief*, and (3) the *Malignity* of it.

† And this *single Consideration* would make one expect, that these *Heads* should relate to one another, at whatever Distance he takes them up.

Under the second Head, Page 15, he asserts, of *all False Brethren in general*, that “they do in themselves weaken, “undermine and betray, and do encourage and put it in the “Power of others, who are professed Enemies, to overturn “and destroy the Constitution and Establishment.

This is my first Proposition in Terms, and nothing is objected to it.

Only a little Attempt is made to *divert* the Question, by mentioning *some particular sorts of False Brethren*, and saying he here speaks of *False Brethren* in some of *those Senses* of the Word.

I agree it; he that speaks of *all*, speaks of such as are included in *those Senses* of the Word, which he mentions; but likewise speaks of *all others too*; speaks of such as he has mention'd any where else, as well as there, such as are *Men of Characters and Stations*, as well as such as are not.

Under the third Head,

In shewing the *Malignity* of this Sin (not in it self, that he had shewn before, but) *with regard to the World*: He instances first, in the *Mischiefs* arising from *Men of Characters and Stations*, in the Words I formerly cited. This, I thought, made out my second Proposition to be the Doctor's, “That Men of Characters and Stations are False Brethren.

This is faintly deny'd; and 'tis said, he does not here suggest Men of Characters and Stations to be False Brethren,

† Note, The Pages of the Sermon are referred to as in the second Edition, which was that which was proved and read in Evidence.

but what is *here* spoke relates to their *private Behaviour*, and not to the *Administration*.

Besides, that this is directly against the *plain Import* of the Words, to let your Lordships see the *Candour* of this *Defence*, let us suppose it *true*; and that it is the *Doctor's Opinion* that the *Persons* he here speaks of, be they *great* or *mean*, are not False Brethren.

Then the Doctor, to be *consistent* with this *Defence*, must affirm, that he here sets forth the *Malignity* of *False Brotherhood*, by shewing the *Malignity* of *another Sin*, which is not **FALSE BROTHERHOOD** in *Persons* of Characters and Stations, who are not **FALSE BRETHREN**.

This is the wretched Shift he is driven to, taking it the best for him.

That these *Characters and Stations* relate both to *Church and State*, all his *Discourse* in the *Places cited*, and *every where else*, shews, nor has he or his *Council* made it an *Objection* that they do not; so that it would be very much mispending your Lordships Time, to go to *prove*, what is not *deny'd*, that by *Men of Characters and Stations*, he intends Men of Characters and Stations in *Church and State*.

The two *Propositions* being thus cleared, let us see if that, which is laid hold of to *declaim* so earnestly upon, have any more weight in it, that is, the *joyning* together these two *distant* Propositions.

The *Objection*, rightly stated, is this:

He has in *one Place* affirmed of *all False Brethren* in general, "That they do in themselves weaken, undermine and betray, and put it in the Power of others, who are professed Enemies, to overturn and destroy the Constitution and Establishment;

And seven Pages off, has represented *Men of Characters and Stations* as *False Brethren*:

And we (very unreasonably!) have charged him with suggesting, "That there are Men of Characters and Stations in Church and State, who are False Brethren, and do in themselves weaken, undermine and betray, and do encourage and put it in the Power of others who are professed Enemies, to overturn and destroy the Constitution and Establishment.

This is the *true Strength* of the *Objection*, and the very *stating* it *exposes* it.

The *general Mischief* he mentions, as common to *all False Brethren*, Pag. 15, I presume will be admitted to belong to *those* described, Pag. 7; why then not as well to *those*, Pag. 22?

Must not what is said of *all False Brethren*, extend both to *those* whose *Crime* he describes, and to *those* whose *Malignity* for *that Crime* he exposes?

And which is most to be regarded, the *Distance* of the *Place*, or the *Connexion* of the *Scheme*, and the *Nature* of the *Propositions*?

The Doctor himself seems rather to press the Objection thus, That this is *Inference*, and *joining independent Propositions*; which, though spoke by him in general, the *Unanimity* of his Council in falling upon this Part of what I said, shew, it was spoke *principally* with a *View* to these two *Passages*: Are then *Passages* that speak of *all False Brethren*, and that speak of *some particular False Brethren independent*?

My Lords, These are so far from being *independent*, and so *ill* have they *chosen* out, what to find Fault with, that (if your Lordships will pardon the *Pedantry*, considering I have a Man of *Logick* and *Disputation* to deal with) the two Propositions are the two Propositions of a *Syllogism* concluding in the *first Figure*.

And the *Inference* he complains of, is the *Conclusion* necessarily arising from them, according to the *Rules of Logick*.

The whole Syllogism runs thus.

All False Brethren do *in themselves weaken, undermine, and betray, and do encourage and put it in the Power of others who are profess'd Enemies, to overturn and destroy the Constitution and Establishment.* 22

Persons of Characters and Stations are False Brethren.

Therefore Persons of Characters and Stations do, &c.

The two first Propositions are what I have shewn the Doctor plainly to lay down; the other only a *necessary Consequence*.

Would any one expect that the Doctor should be so forgetful of the Rules of Logick, as when he had laid down the *Premises*, to deny the *Conclusion*? or to deny the *Conclusion* to be HIS DOCTRINE, who laid down those *Premises*?

Can it be thought, that he laid them down without an *Intention* that his *Hearers* should make the *Conclusion*? or could he think it *possible* they should not make it?

Or shall the *suppressing* a Conclusion so plainly arising, which is *taken Notice* of in some that write of Logick as an *Elegance* in Discourse, *pass* for an *Excuse*?

Let the Doctor describe *False Brethren* in general as *Betrayers and Destroyers of the Church*, and the proper Objects of

of the *Rage* and *Fury* of the People, and then *expose* as *False Brethren* those *in the Administration*, Persons of *Characters and Stations*, from the *chief* to the *least*, the People will quickly make the *Application*.

If any one should inflame the Mob to such a Degree of *Rage* and *mistaken Zeal*, as to forget the *Spirit* of the *Gospel*, and to believe it their *Duty*, to serve *God*, by breaking the *publick Peace*, and to support his Church, by pulling down all Meeting Houses, and rifling the Houses of all Dissenters; he needs afterwards only to tell them, **THIS IS A MEETING HOUSE, HERE LIVETH A DISSENTER**, they are *not* so *dull* as to fail of making the *Conclusion*: **THEREFORE THIS HOUSE IS TO BE PULL'D DOWN, THEREFORE THIS MAN IS TO BE PLUNDERED**, and of putting it immediately in *Execution*, where they *dare*.

Suppose such a Man should, in *Defence* of himself, say,
 “ I did not bid them pull down *this House*, nor rifle *that* ;
 “ my telling them *All Meeting-Houses* were to be pull'd
 “ down, *All Dissenters* to be *mark'd* and plunder'd, was *four*
 “ Months before I told them **THIS WAS A MEET-**
 “ **ING HOUSE, OR THAT MAN A DISSEN-**
 “ **TER**, and to *carry back* a Man's Words spoke only by
 “ way of *Information*, to what was said four Months be-
 “ fore by way of *Doctrine*, is the greatest *Hardship* in the
 “ World.

Would this pass for an *Excuse* ? Or would it not add to the *Indignation* against so impertinent a *Trifler* on so *sad* an Occasion.

My Lords, The burning a *Meeting-House*, the burning all the Meeting-Houses, the laying this *Metropolis* once more in Ashes by the *Enemies* of our Constitution, is nothing to the *inflaming* the Nation, and rendring the *QUEEN* and Her *ADMINISTRATION* odious to the People.

Shall it then be an *Excuse* for the Doctor here, when he has laid down the *Premises*, to say, that he has not in *Words* expressed the *Conclusion* ?

Shall the *meanest* of the People, clearly and *rightly* collect this is Doctor *Sacheverell's Doctrine* ; and shall not we in *accusing*, and your Lordships in *judging*, be allowed to collect it, when we are endeavouring to preserve the *Queen* and *Constitution*, and *all* that is *dear* to us ?

Surely, my Lords, we shall. Nor is the *strict Consequence* that your Lordships find in this Clause, always *necessary* in Cases of this Nature : But I was willing to shew it here, that your Lordships may see, with what *Justice* this was
 made

made the great *Topick*, whereupon to declaim against *Hardships*, and to couple such *Inferences* with *Innuendo's*, as if both were the *same*.

As for taking one *Part* of one *Sentence* and another *Part* of *another*, whoever makes a *Conclusion* in *Logick* ever does it; and only *then* does amiss in it, when in doing it he departs from the proper *Rule*, and where the *Consequence* is not *just*; which I have *shewn* is not the *Case* here, and no *Body* has *attempted* to make out that it is.

'Tis as little to the *Purpose* what is said, that he has not restrained this to Persons of the *HIGHEST CHARACTERS AND STATIONS*, which I shew'd so fully before, that it has been thought more advisable to *pretend* I *admitted*, what I believe I plainly *disprov'd*, than to *offer* any *Answer* to my *Reasons*.

I'll only add, that 'tis *not pretended*, that there is one *Word* in the *Sermon* that looks like the *least Hint*, that *only inferior Officers* were meant; and 'tis plainly *shewn*, that *others* were *intended*: And then the *Doctor's Excuse* amounts, at best, but to this. He has indeed spoke in reproachful *Terms* of *Magistrates in general*, he has pointed to those that *have*, and those that *bestow*, the *Honours* of the *Church*, and *Places* and *Preferments* in the *State*; he has pointed to the *Chief*; his *Reasonings* when he shews the *Malignity* of the *Sin* from *Examples* of Persons of *Characters and Stations* is the *stronger*, the *Greater* these Persons are, as the *Examples* of the *Greatest* are the most *Contagious*; but yet he relies upon it, that since the *general Mention* of Persons of *Characters and Stations* takes in the *Meanest* as well as the *greatest*, 'tis *not to be doubted* but the *all-discerning People*, especially when sufficiently *fir'd* and *enrag'd*, will *restrain* the *Words* to the most *innocent Meaning*, and *apply* them *only* to *inferior Officers*, *Constables*, and those in the nearest *Degrees* to them.

This is the *Sum* of this *notable Excuse*.

Let *this* therefore, where, by bending their united *Force* against it, they seemed to have the *greatest Hopes* of making some *Impression*, serve for the *Specimen* chosen by themselves, of the *Hardships* of *Inferences* and *Innuendo's* in this *Charge*.

The third Clause, "That he chargeth Her Majesty, and those in Authority under Her, with a general Male-Administration; The first, That he suggests that Her Majesty's Administration, both in Ecclesiastical and Civil Affairs, tends to the Destruction of the Constitution; are so manifest, that after

after what *has* been said, and is *unanswer'd*, it would be but losing time to attempt to make them more plain.

And their Defence, and the Books and Pamphlets read on this Head, are not to the Purpose.

For sure, the shewing that there have been some *Paltry Scriblers*, few in Number, many long since *dead*, some *mad*, some that have undergone the infamous Punishment of the *Pillory*, most of them *prosecuted* or *unknown*, does not prove, that there are *Seminaries* for the *open Profession* of those *Blasphemies* and *Impieties*; much less, that they are *suffered* by the *Government*, or that *their Follies* can be called an *open Violence* upon the Church, or *their Faults* made the *general Character* of the Nation, and *charg'd* upon the *Queen* and Her *Administration*.

When a *scandalous Book* is published, or *contagious Sin* committed, any Subject who has a *real Zeal* to *prevent the Mischief spreading*, may apply to the *proper Magistrate* to suppress it; and if *inferior Magistrates* neglect their Duty, may carry the Complaint, against *them* and *it*, to their *Superiors*:

But is it to be *endur'd*, in any established Government, that a Man *pass over* all the *Magistrates*, and make an *Appeal* to the *People*, not only against the *Offenders*, but against the *Magistrates* too?

This is properly *Faction*, this is *invading the Royal Authority*; 'tis, in the Doctor's own Words, "*A rebellious Appeal to the People as the Dernier Resort of Justice and Dominion*," 'tis erecting a *Popular Tribunal*, where not only *SCRIBLERS*, but the *QUEEN* and Her *AUTHORITY* are to be try'd.

The Doctor indeed *pretends* that his *Zeal* was only against *those Offenders*, and such as keep not within the *Bounds* of the *Toleration Act*; that his *Warmth of Speech*, was only to *stir up the Magistrates* to put the *Laws* strictly in *Execution*; and he solemnly protests he *intended* no *Reflection* on the *Queen*, or *Her Ministry*; that by the *Dangers* of the *Church*, he meant only those *Judgments*, which the just *Anger* of a provok'd *God* might be reasonably expected to inflict on so *wicked* a *People*.

I can't pretend to repeat his very Words, but I apprehend this to be his Sense, and beg Pardon if I mistake his Meaning.

My Lords, I am amazed at the Doctor's *Solemn Protestations*; I will avoid *hard Words* as much as I can, but if when he calls *God to Witness* in so *solemn a Manner*, he should then speak without *Foundation of Truth*, plainly against his *Sermon*,

mon, and be even then using the little *Arts of Evasion*, and *diverting the Question*, instead of that *Sincerity* which ought to accompany so solemn an *Oath*, I leave it to your Lordships to give a Name to such Behaviour.

Is it possible to say he intended not to reflect on the *Administration*?

Give me Leave to read to your Lordships *two Pages* in his Sermon, to which I before referred; and be pleased to observe, as I go along, how much they are applicable to *unknown Authors*, or the *Dead*, to *Asgill*, the *Observer*, the *Review*, or other *Writers*, that he has made so *filthy a Collection* out of; or to *Atheists*, or *Dissenters exceeding the Limits prescribed by the Toleration*, or to *Occasional Conformists*, *Dissenters too in the main*, but when the *Occasion* of a *Place* calls them to *Church*; and your Lordships will have *one Instance* of his *Sincerity* in his *Solemn Protestations*.

“ 2. Secondly, In regard to the *World*. What a vast Scandal, and Offence must it give to all Persons of *Piety*, and Integrity, to see Men of *Character*, and *Stations*, thus shift and prevaricate with their *Principles*, and starting from their *Religion* upon any *Occasion* of *Difficulty*, or *Trial*, and like the *Disciples*, flying from, and forsaking our *Saviour*, when his *Life* lay at Stake? To see Men's *Opinions* sit as loose about 'em as their *Garments*, to be put on, or off, for *Convenience*? What can *unwary* Persons conclude from such *Tergiversation*, and *Hypocrisy*, but that all *Religion* is *State-Craft*, and *Imposture*? That all *Godliness* is *Gain*; and that the *Doctrines* of the *Church* lie not so much in Her *Articles*, as Her *Honours*, and *Revenues*? Without doubt, this *Modern Latitude*, and infamous *Double Dealing*, as it can proceed from nothing but the *rankest Atheism*, so it must propagate it wheresoever it goes; and 'tis not to be question'd, but that the *Wonderful Increase*, and *Impudent Appearance*, of all *Sects* and *Heresies* in this Kingdom at present, beyond what was ever known in former *Ages*, is chiefly to be attributed to it. But this *Crime* is as *pernicious* to *Humane Society*, as *Religion*; for it destroys all *common Honesty*, *Faith*, and *Credit* in the *World*, and in the place of it, sets up an *Universal Trade* of *Cozenage*, *Sharping*, *Diffimulation*, and downright *Knavery*. For, what *Dependance* can there be upon a Man of no *Principles*? What *Trust* in *Equivocations*, *Evasions*, and *Lyes*? Nor indeed could any one be suppos'd so *foolish*, as to place the least *Confidence* in these *Men*, did they not bait their *Hook*, and cover their *Treachery* with the sacred and plausible *Pretences* of *Friendship*, whereby they are capa-

“ ble of doing much more Mischief, than a bare-fac’d and pro-
 “ fess’d Enemy. In what moving and lively Colours does the Ho-
 “ ly Psalmist paint out the crafty Insiduousness of such wilely
 “ Volpones? Wickedness, says he, is therein, Deceit and Guile
 “ go not out of their Streets. For it is not an open Enemy that
 “ has done me this Dishonour, for then I could have born it: Nei-
 “ ther was it mine Adversary, that did magnify himself against
 “ me, for then peradventure I would have hid my self from him.
 “ But, it was even Thou! my Companion, my guide, and mine
 “ own Familiar Friend. We took sweet Counsel together, and
 “ walked in the House of God as Friends. There is no Faithful-
 “ ness in their Mouths, their inward Parts are very Wickedness;
 “ their Throats are open Sepulchres, and their Words are smoo-
 “ ther than Oil, yet be they very Swords. Like Joab, they pre-
 “ tend to speak Peaceably, and smite Us mortally under the
 “ Fifth Rib.

“ 3. Thirdly, With regard to a Man’s self, it is hard to
 “ Distinguish whether our False Brethren prove themselves
 “ Guilty of more excessive Knavery, or Folly. For whatever
 “ these cunning, temporizing Politicians may think, they
 “ will find, after all their Shuffling, and Compliance, that
 “ the plain Road of Truth, Honesty, and Integrity, is both the
 “ most Prudent, as well as the Safest Way they can follow,
 “ and that the Wisdom of this World is as much Foolishness
 “ with Men, as ’tis with God. For certainly there is no Sin
 “ that so much Disappoints its own Ends as this does. Per-
 “ haps the Man may obtain the present Advantage he has in
 “ Prospect, by relinquishing his Old Friends, and Principles;
 “ but is ever such a Mercenary Convert receiv’d heartily into
 “ the Bosom of his former Enemies? Or are they ever found
 “ so Credulous, and Good-natur’d, as to Forgive, and believe
 “ such an Apostate Cordial and Sincere, and fit to be trusted
 “ in any Matter of Weight, or Importance, who has betray’d
 “ his own Party for the little sordid Lucre of a Place, or Pre-
 “ ferment? And is again ready to be Retrograde, whenever
 “ the Wind shall Change, and Veer about? Such a False Bro-
 “ ther may serve the present Turn of his Adversaries, who
 “ may seem, whilst they want the Tool, to flatter and caress
 “ him; but let such a Turn-Coat rest assur’d, he shall meet
 “ with Hypocrisie, for Hypocrisie; and since He is got upon
 “ the Stage, shall Act his Part, and be hiss’d off when he has
 “ done. Such a wise Game do our Projectors Play, they Bar-
 “ ter, and betray their Friends, only to sell themselves Slaves
 “ into the Hands of their Enemies, who shall treat them
 “ with more Insolence, Disdain and Tyranny, than honest
 “ Men do with Scorn, and Contempt, if they don’t go the
 “ whole

“ *whole Lengths of their Party, stick at nothing, tho’ never so*
 “ *impious, and absurd, and run from one Extream to a quite*
 “ *Contrary. Thus little, thus base, thus odious, thus contemp-*
 “ *tible, thus servile, nay thus execrable is the Traytor, and*
 “ *Double-Dealer in the Sight, not only of all honest Men, but*
 “ *the most profess’d Knaves, and Hypocrites! Who cannot but*
 “ *have a Tacit Regard, and Veneration for a Man of Steadi-*
 “ *ness, and Probity, that upon all Occasions is true to himself,*
 “ *and his Cause, is above the Threats, as well as Flatteries of*
 “ *this World, still trusting in his God, and his own Integrity,*
 “ *and Justice, despising his Interest, or Success, and is under*
 “ *all Circumstances like that God, and Religion he believes*
 “ *and serves, without Variableness, or Shadow of Change, but*
 “ *is the same, to Day, to Morrow, and for ever. Farther,*
 “ *these False Brethren cannot be more odious to God and Man,*
 “ *than they are to themselves, who are always a Self-Contra-*
 “ *dition, full of Confusion, and Perplexity, perpetually haun-*
 “ *ting themselves, the worst of Demons, maintaining an irre-*
 “ *conciliable War betwixt the outward and inward Man, Con-*
 “ *formists in Profession, Half-Conformists in Practice, and*
 “ *Non-Conformists in Judgment. Such a Mixture of Inconsi-*
 “ *stency, and Non-sense, that any one that has the least Spark*
 “ *of Conscience, or Reason, must renounce, and detest. But*
 “ *this dismal Effect has such a State of Habitual Hypocrisie,*
 “ *that it quite damps and extinguishes both, quenches the Ho-*
 “ *ly Spirit of God, and crucifies his Son afresh; and as it finds*
 “ *a Man void of Shame, generally without a miraculous*
 “ *Conversion leaves him incapable of Repentance, and both*
 “ *damns him here, and hereafter; and as he chose it in this*
 “ *World, appoints him in the next, his Portion with Hypo-*
 “ *crites, and Unbelievers, with all Lyars, that have their Part*
 “ *in the Lake which burns with Fire and Brimstone, with the*
 “ *Grand-Father of Falshood, the Devil and his Angels. And*
 “ *so here we leave our False Brethren, in the Company they*
 “ *always keep Correspondence with.*

To go on: Is that true, that he *only* calls upon the Magistrates for Justice upon these Offenders?

If his Intent really were to exhort the Magistrates, before whom he preached, to put the Laws in Execution, one would expect to find it *vehemently pressed* under the fourth Head, where he undertakes to shew what should be the Result of all; but I have searched carefully, and can find nothing there, nor any where else, of any such Exhortation.

There is indeed a Calling upon the Pastors of the Church, who were not present, to thunder out Anathemas against Schism; which could not be to persuade those Pastors that did

not bear him, but to condemn their *Remissness* to the People that did. But all the rest is to the People, to adhere to the *Fundamental Principles*, to watch against, MARK AND AVOID, those that desert them; to give Place, BY SUBJECTION, no not an Hour; to despise sneaking, shuffling COMPLIANCES, and put on their BRAVEST Resolutions which the PRESENT Case requir'd; there is a denouncing Woe to the fearful Heart and faint Hands, a shewing the Perils and low Estate of the Church, that her Sons deserted her, that she lay bleeding of her Wounds, that her Adversaries were CHIEF, and her Enemies AT THAT TIME prosper'd.

Is this the Language of one that is only laying before Magistrates the Abuses of a few inferior Persons, within their Power, subject to their Authority, and whom they could easily crush, and desiring these Magistrates to correct them?

In short, is it calling upon the Magistrates, or upon the People, for Justice?

Again:

He solemnly declares his Meaning in the Sermon to have been, that the Dangers of the Church are only such as arise from the Sins of the Nation, but not in the least from Her Majesty and Her Administration.

Let any one cast his Eye upon the Sermon, or upon the Dedication of that preach'd at Derby, and try how the several Expressions suit this Scheme, and he will see the Doctor had nothing of it in view then, but that 'tis contriv'd since, for him to pretend now.

What Dangers of the Church and Constitution he means in the Sermon, is too plain to be shifted off by a Protestation; He tells you expressly what they are, and from whom; from Men, whom he describes as being in the Administration, who undermine and betray the Church, and enable others to destroy it; they are such as he apprehends, not from the Hands of God, but from the Treachery and Violence of Men.

Accordingly, the whole tends, to stir up Anger, Indignation and Fury against those Men, not to move Humiliation and Prayers to God to avert those impending Judgments.

But possibly he may expect to be understood, not of an immediate Vengeance of God, or his delivering us into the Hands of a foreign Enemy, but his permitting wicked Men at Home to overthrow the Church.

If we take it to be so; this solemn Protestation is a mere Evasion, and a shifting the Question.

'Tis true, the Overthrow of the Church and Constitution is the heaviest Judgment can befall us, and if it does happen, must

must be accounted the *Act of Divine Justice* punishing us for our *Sins*. All *National Punishments* are certainly the more *immediate Acts* of the *Justice of Providence*; and the *Instruments* made use of to bring them about, are very often *wicked Men*.

The *Prophane Writers*, the *Atheists*, the *Abusers of the Toleration*, the *Vilifiers of Holy Orders*, of the *Church*, and of *Christianity*, and other *wicked Men*, may have given great *Provocations* to *Almighty God*, and if I should say so great as may give just Cause to fear a *Judgment* upon us, that may endanger the *Church and Constitution*, yet still the *Question* is, what *Hands* are about to *execute* this *Judgment* upon us; *We charge* him as representing the *Church in Danger* under *Her Majesty's Administration*, as suggesting that *Her Majesty's Administration, in Church and State, tends to the Destruction of the Constitution*; and consequently, that the *Hands* of those in the *Administration*; are about to *execute* such *Judgment*; And he solemnly *protests*, he apprehends no *Danger* but from *God*.

My Lords, This is *trifling*; for every such *Danger* is from *God*, and is his *Judgment*, whoever they be, whether *Her Majesty*, and *Her Ministry*, or any others, that immediately bring it upon us.

This therefore, instead of *answering*, is *evading*, and *diverting* your Lordships *View* from the *Persons* he charges to be *working* the *Ruin* of the *Church*, to *God* the *Supreme Director* and *Over-ruler* of all the *Actions* and *designs* of *Men*. As if the *Reflection* on the *Queen* and *Her Administration* were the less for saying, that *they* are the *Instruments* in the *Hand* of *God* to *scourge* the *Nation* for its *Sins*, and to *execute* his *Vengeance* in *overthrowing* the *Church and Constitution*.

So that I am afraid *this* part of his *Solemn Protestation* is either *false*, or *evasive*, or *both*.

And let so much suffice to be added on these *Clauses*.

To what I offered to your Lordships on the *Clause of keep-* pag 157. & follow
ing up Distinction of Factions and Parties,

I desire to add the *weight* of *one Authority* out of the *excellent Sermon* preach'd by the most *Reverend Prelate* my Lord *Archbishop of York*, and *produced* by the *Doctor*.

The *Words* are these.

“ They are *Factionous*, they are *Setters up* and *Abettors* of
“ *Parties*, who endeavour to *destroy*, or *unsettle*, or *disparage*,
“ or in the least *hurt* or *weaken* the *Government* and
“ the *Laws* as they are *establish'd*; let the *Principles* on
“ which they go, or the *Pretences* they make, be what they
“ will.

Whether the *Doctor* have not endeavoured in the highest

Degree to *Disparage the Government*, and consequently to *weaken it*, your Lordships will judge.

As to the other *Clauses*, they have offered very little, and I will not *repeat* what I said before.

pag 322 Only I would take notice, that under the Head of *stirring up to Arms*, something was urged by the Council, in relation to what I said upon some Texts of Scripture, but so intirely *mistaking* my meaning, that I think my self *unconcerned* therein.

As for perverting Scripture.

The Council would seem to pretend something or other to be the *Mistake of the Printer*, without saying *where* the Mistake is, or *how* they would have it read.

I'll tell your Lordships what the *Mistake* is, it is Printing the second Chapter of *Lamentations* instead of the first, and misplacing the References to *Lamentations* and *Zechariah*, which I scorned to take advantage of, and in what I said, *rectify'd*.

But this serv'd for a *Shew* of an *Excuse*.

They said something more on this Head, but not to what was my *Objection*; but *promised* the *Doctor* should *clear all*.

My Lords, I think I might reasonably here put an end to the Trouble I am giving your Lordships.

But that I apprehend some things which fell from the Doctor, and which have not fallen in my way already, may be proper to be taken notice of, so far as concerns what is within my *Province*.

pag 333. I own, his *Speech* was extremely well *Compos'd*, fitted not so much to *inform*, (his Case would not bear that) as to *move* (wherein his Hopes were more justly placed;) not so much to *state* the Question and *clear* it, as to *divert* it; all the *plausible Topicks* were *labour'd*, and all the *Arguments* that *press'd* hardest upon Him, and most *requir'd* an Answer, *pass'd over in Silence*; the whole fram'd to give the *Passions* Mastery over *Reason*, and to induce a *Perswasion* that so good, so excellent a Man, as he painted himself, that has so many *Virtues*, so great *Sincerity*, so true a *Zeal* for Religion, could not be Guilty of this Charge, tho' *plainly Prov'd* upon him; the *Protestations* were *strong* and *heartly*, and such as will read well amongst the People, *clear* of all those *qualifying* *Clauses*, that might perhaps have made it *suit better* with the *Truth* of his Case, but would have had the *Inconvenience* of giving to the Readers *Suspicion of Guilt*; an agreeable *Concern* for Religion and *Virtue* ran thro' all, which will always strike an Audience, and seems intended to make some *Amends* for the *Rage*, and *Zeal* for Party, in the *Sermon*.

I only wish, for the Doctor's Sake, the *Composer* had preserv'd a little more Regard as well to what was *fit* to be said *here*, where the Truth of the whole Matter is known, as to what was fit to be said *abroad*, and given it a little more *Re-semblance* of the Doctor and *his Sermon*; that he had not calculated so many parts of it for an *Appeal to the People*, and to obtain *their Acquittal* upon his *own Word*; and I must needs say for my *self* (tho' my liking or disliking it, is of very little moment) had it had *fewer* and *less solemn Appeals* to God Almighty, or *more Truth*, or *I known less* of the Matter, I should have lik'd it much better.

He begins with making his *Order*, the *Church* and *Christianity* to be concern'd in the Cause; intending it, I presume, to be understood abroad as a Charge upon his Accusers, that in his Person they arraign all these.

But I shall not pretend to follow him throughout the whole Speech, only point out some Fallacies in it.

My Lords, Great regard is to be had to the *Word*, much more to the *solemn Declaration*, much more to the *Oath* of a *Clergyman*, when he is *free* and *unbiass'd*. 22

But when he *stands in Judgment*, when the *Rod* is over him, when there is *only one way* open for Escape from the just Punishment due to his Crimes, by *protesting* his *Innocence*; neither his *Word*, nor his *Declaration*, nor his *Oath* is to be regarded.

That Method will acquit *all* that are accus'd; and the *less Conscience* any such Wretch has, the *surer* and *easier* will be his *Escape*.

And therefore your Lordships will judge by what the Doctor has *taught* the People, what he has *publish'd*, and not by what he *pretends* to be his *Intentions* in doing it.

He makes Complaint of the *Generality of his Charge*, that it was such that he *knew not where it would point*. pag 334

My Lords, Suppose we had follow'd the *more common Way*, and set forth *all the Passages* we have read, or the whole *Sermon and Dedication* verbatim, (as we might have done) without pointing out *what* we objected to, or *why*; had *that* left him less in the Dark? It was therefore more for his *Advantage* that we should tell him the *particular Points* we would insist upon, than if we had left our selves at Liberty *at the Tryal* to make as many *Points* as we then pleased.

He lays it down for a Rule, That the *The higher the Charge* is, *the more clear ought the Proof* to be. at the same page

My Lords, The *Proof* here is *indisputable*, the *Sermons* and *Books* are not denied to be his. And *these* are all that *strictly* make the *Evidence* in the Case ; the rest is but *Argument*, and shewing them to be Libellous in the Particulars in the Charge.

But take *Proof* in a *larger* Sense, so as that it may extend to the *Reasoning* upon the Evidence, and to the making good the Charge, as in this Case, is perhaps not improper.

I have no Reason, in *respect* of his Charge against him, to Contest his Rule, because the *Proof* of it is *clear* in *that* Sense too :

But yet, for the sake of *Justice*, I shall take the Liberty to say, that, *as apply'd* to this Case, it is a *Fallacy*.

This sort of *Proof* arises from the *Sense* and *Doctrine* of his *Books*.

And, I presume, the Doctor cannot hope, that because this is charged to be so *high* a Crime, as *Defaming* and *Undermining* the Government, any more *favourable* Meaning is to be put upon his *Words*, than if it were the *less* Crime of *Defaming* a *private* Person ; or that *your Lordships* should not understand in this Case, that which every Body *else* that hears it understands, and which *your Lordships* would have understood, if it had not *indanger'd* the Government.

I own I cannot comprehend why *your Lordships* should be more Shy of Defending the Government, than a *private Reputation* ; or most afraid of *Censuring* that which is of infinitely the *most dangerous* Consequence, if it escape *uncensured*.

On the contrary, in the case of those Things which tend to the *Overthrow* of the *Constitution*, where the Rules and Methods of *inferior Courts* cannot apply a proper Remedy, *your Lordships* upon the Impeachment of the Commons may. Let the *Contrivance* lie never so *deep*, be never so *artfully wrought*, when it strikes at our *All*, it would be *absurd* to say, the Commons may not bring it to the Bar of Justice, and *your Lordships* prevent its dreadful Effects, and give it the Punishment it deserves.

My Lords, Without *that Power*, your *Constitution* were *weak* and *precarious*.

pag 334. THE Doctor observes in what manner the Charge against him is supported, not by express Sentences of his, but by Inferences, and joining independent Sentences, (as to that part I have consider'd it already) ; and he seems to expect, that if he were Guilty of Suggesting and Maintaining the Things charg'd upon him, the Passages might as easily be pointed

pointed to in his Sermon, as the Doctrine in those he produced, and that bare reading, without a Comment, would convict him.

No, my Lords--- Even Doctor Sacheverell is not yet arrived at that Pitch, as to *Arraign the Government* as directly and openly, as to *preach a general Doctrine*.

This Fallacy seems very gross.

For is it reasonable to think, that a Man that intends to unhinge the Government, to expose an *Administration*, to fire the People, to raise *Sedition*, should speak *directly and plainly*? No--- he is to cover his Design even from *those* he is to draw in, he is to pretend Zeal for Religion, insinuate himself by degrees, not shock his Hearers at first with a Declaration against a Queen they are fond of; he must pretend Zeal for Her Majesty, to preserve their good Opinion of himself, while he is doing that which by degrees will alienate their Affections from Her. This he must do, tho' there were none to punish, and to prevent the Dashing his own Hopes of Success. But when he knows that the Power of the Administration he is to Revile and Rail at, is over him, and at hand; that is a farther Reason for Caution: Therefore in such Discourses, dark Phrases are to be studied, *confus'd Descriptions* will be frequent, with a perpetual Perplexity of Expressions, between saying what his Rancour will not let him withhold, and with-holding what his Fear will not let him speak out. Schemes of Speech are to be contriv'd, that have two Meanings; the one more obvious and plain, to have its full Effect upon the People; and the other (that will occur to no Body else) a Reserve, to be offer'd to a Court of Justice. This is naturally to be expected in Seditious Discourses. But if your Lordships will pass this by, which has spoke infinitely more plain and audaciously than any other (I believe) that ever so publickly dar'd Authority, your Lordships may expect to see a new Discourse from the Doctor, where *Sedition*, that had but a very thin Disguise in this, shall there have none at all.

And this may serve for an Answer to what is urg'd from his Zealous Expressions for the Queen; for if the whole Discourse have quite another Tendency, it is plain that those are only Parts of the Blind and Disguise.

pag 342 & follow.

He complains, That he is Accused for what he has omitted, pag 335. as if done with Design, and his Silence is made Criminal.

My Lords, I was the Person that took Notice of his Omissions, but I did not make them a part of his Charge.

In-

Indeed, when he in his *Answer* protested (as now he does *more solemnly*) his *Loyalty*, I took that Profession into Consideration, as a part of his Defence, which I ought to take Notice of.

I had learnt that the best way to try the Truth or Falsity of Pretenders to Virtue or Religion, was by their *Fruits*.

Accordingly I considered his *Management of his Text* in his Sermon, how agreeable it was to such Profession, and to see what *Fruits of Loyalty* I could find there.

And your Lordships will now apply those Observations to his *solemn Appeal* to God before your Lordships, that his *Intentions in that Sermon* were to exert his BEST ENDEAVOUR for the Security of Her Majesty.

I shew'd your Lordships, that he omitted the only true Notion of False Brotherhood in State, which took in the Non-Jurors and Disaffected, tho' his Text led to it; that he had omitted to make the proper Use of the Doctrine of Passive-Obedience, which was to press Obedience and Submission TO HER MAJESTY, tho' the Day and the Doctrine seem'd both to require it.

That he had set up another Notion of False Brotherhood, which I shew'd to be, upon his own Principles, wrong.

By these I try'd his Pretences, and shew'd, that if they were sincere, this Behaviour was unaccountable; but if he were at Heart for the Pretender, I made it manifest that all his Procedure was just, nay that even his Notion of False Brotherhood was right to him that was of that Mind, and that his Application of the first of Lamentations was exact and fine upon that Supposition, which is never to be justify'd or excus'd on any other.

This I then press'd no farther, than to shew that his Sermon had in it no *Fruits of that Loyalty* which he pretended.

But I may make a further Use of it now, as a plain Contradiction to his *solemn Declaration*.

For has he pretended to give any Answer to this?

Was I wrong in my Notion of False Brotherhood, or was he right in his? Has he made that Use of Passive-Obedience, as to press Submission to the Queen from it? Has he not let the Non-Jurors escape, tho' his Text led him to speak against them, and advanced a wrong Notion of False Brotherhood merely to fall foul upon those that justify the Resistance in the Revolution, and cut off thereby every Colour of Title to the Pretender? Or does he offer to reconcile that Proceeding with his Pretence? No----- And then, tho' bare Omission were not a Fault, yet I may now ask, is that Omission consistent with his

his *Protestation* of an Intention to exert his *best Endeavour* for Security of the *Queen*? Did he *exert*, or *intend to exert* his *best Endeavours*, that omitted things so very obvious? Nay, where does he shew that he has exerted *any* such Endeavour *at all*?

On the *contrary*, he has fallen into the *Methods* us'd, by those that are against Her Majesty, to *undermine* and *weaken* Her Title, and to *disparage* Her Government, and to render it *odious* to the People.

He Complains that where he presses Obedience to the Queen, pag 335 we say he means the Pretender.

My Lords, It was one of the *Omissions* that I urg'd against him in the manner I have just mentioned, that he *no where presses Obedience to the Queen*.

Does he think it had not *become* him to shew *where* he did press it, if he *could*?

Or what Name does he think is to be given to his *taking it for granted*, that he had done *that*, which it was expressly charged he had *not done*, and which he cannot shew he *has*?

He seems to complain of some Expressions that have been us'd against him by the Managers, as not becoming this Place, or his Order. pag 336.

My Lords, I hope we shall always demean our selves with *just Respect* towards your *Lordships*.

And as to *him*, he is to consider, that there is a wide Difference between what a *private Man* says of others, much more of his *Governors*, in *Conversation*, or in *popular Assemblies*, and what is spoke of an *accus'd Person* at his *Trial*. In the former Case, it is not *fit* to speak *ill* of them, that which is *true*; in the other, the *Crime* is to be *represented as it is*, and the *Person* is to have *no Respect* paid him that shall any way tend to *prevent* shewing the *full Enormity* of the *Crime* in all its *true Colours*; and if any thing has been said, which otherwise his *Orders* would have secur'd him from; let him remember that his *Crime* deprives him at *this time* of that *Protection*, where 'tis *one Aggravation*, that he has *abus'd* his *Holy Function*; which it was the *Business* of the *Managers*, both to *say* and to *make out*.

He Complains that there is no Allowance made to a Minister rebuking Vice and Irreligion with Zeal, when he happens thereby to be carry'd into an Expression not well guarded. pag 335. 336

My Lords, His *Zeal* apparently is levell'd more at *Persons* than *Crimes*, he mentions not *false Doctrines* to confute them, nor the *Faults* of those that hear him, that they may *amend* them;

them ; but rails at Persons *absent* to *expose* them, and raise the *Passions* of his Auditory against *them* ; his Zeal leads to *hunt* out Faults, for an *Occasion* of *Complaint* ; to *magnifie* whatever is *amiss*, and charge *all* home upon the *Government*, departing from the Office of an *Ambassador of the Prince of Peace*, and preaching *Sedition* and *Rebellion*.

And in such Case, his *Orders* are so far from being an *Excuse* that they are an *Aggravation* ; when he who ought to preach *Peace*, *Long-Suffering*, *Gentleness* and *Submission*, foments *Divisions*, creates *Jealousies*, heightens *Animosities*, and *disturbs the Government*.

But where there is a Sermon truly tending to promote *Religion* and *Virtue*, God forbid that any *incautious Expressions* in it, tho' justly *exceptionable*, should be laid hold on as an *Occasion* to *punish* the *Preacher* ; it *has* not been done, *nor*, I think, *ought* to be.

Yet when a Minister presumes to go *out of his Way*, and to *meddle* with the *Government*, he ought to be more than ordinary *wary* in his *Expressions*, since his *Character* gives his *Reflections* greater weight and force with the People, and his *Errors* will therefore do the greatest *Mischief*.

And this Man that *Professes to preach Politicks*, and *laughs* at those that tell him 'tis his *Duty to preach Peace*, and is *inflaming* the People against their *Sovereign*, must not think himself intitled to that *Favour*.

pag 345 I own I am very well pleas'd to hear the Doctor's Declaration in Favour of the Succession in the House of Hannover, and his *earnest Prayer for perpetuating it*. Because, whenever our Sins shall be the *Occasion* of our losing the *best of Queens*, the *Security* of our *Religion* and *Liberties* for our *Posterity* depends upon it.

cc But I a little wonder, that he *appeals to God* that in this Sermon he had *sincere Intentions* to exert his best Endeavours for the *Security* of the *Queen*, and the *Protestant Succession*. I hope he is hearty for both, but sure, his best Endeavours for them are *not exerted* in this Sermon.

As for the *Queen*, I have spoke already.

cc As for the *Succession*, I own my self intirely at a Loss, in what part of the Sermon it is, that he has exerted any Endeavour at all for the *Security of the Protestant Succession* ; I do not find *any thing* that I apprehend *can concern* it, except that Place where he *ridicules* the *Notion* of any *Right* to the *Crown*, but an *Hereditary Right*.

THE COUNCIL having in great measure declin'd that Head about *Wresting and perverting divers Texts and Passages of Holy Scripture*, and seeming to *Promise* that the Doctor should give *Satisfaction* therein, I was in great Expectation of *his Performance* there, but am miserably disappointed, and cannot but be in some Confusion for the Doctor; tho' he seems to have intire Satisfaction in himself.

His Conduct upon this Clause, from first to last, amazes me.

His Answer put in before your Lordships to the Charge of the Commons, is *throughout evasive and reflecting*; but in *this part* of it there is a *Master-piece of Equivocation and Malice*, to avoid either *confessing or denying* the Charge, and to cast an *Odium* on the Commons, as *Persecutors of the Clergy*.

The Words are these :

" Hard is the Lot of the Ministers of the Gospel, if when
 " they cite the *Word of God* in their general Exhortations to
 " *Piety and Vertue*? or in the Reproof of Mens Transgressi-
 " ons, or *where* they are lamenting the *Difficulties and Con-*
 " *flits* with which the Church of Christ, *whilst Militant*
 " here on Earth, *must always struggle*; the several Texts and
 " Passages by them cited, shall be said to have been by them
 " meant of *particular Persons* and Things, and shall be confi-
 " dered in the most criminal Sense, and be made by such
 " Construction, one Ground of an Impeachment for high
 " Crimes and Misdemeanors.

These are the Words of his Answer; and give me Leave to ask, do they deny, or do they confess the Charge? 22

Neither----But are an *Appeal* to the *Passions* of the People, amongst whom it has been so *industriously and irregularly* dispers'd.

Yet I dare say every *unwary* Reader took the Doctor to have *deny'd* this Charge, and felt some Indignation against the Commons for *making* it.

My Lords, he is now come upon his *Tryal*, he has been charg'd *home* upon this Head. 2

And permit me to say, there cannot be a *heavier Charge* upon a *Minister of the Gospel*, nor more *affecting* to any one that has not abandon'd all Pretence to *Common Honesty*. 2

Give me Leave to mention some of those *solemn Words*, wherein a Priest receives his Orders. " Receive the *Holy Ghost*, for the *Office and Work* of a Priest in the Church of
 " God; and be thou a *faithful Dispenser* of the *Word of God*,
 " and of his Sacraments, in the Name of the Father, of the
 " Son, and of the *Holy Ghost*.

This Crime therefore, when committed by a *Priest*, is *betraying* that *sacred Trust* reposed in him with his holy *Orders*; 'tis *foregoing* the *Authority of God*, 'tis assuming a *Superiority* over the *inspir'd Writers*, if not over *Him* that *inspir'd* them.

The *Doctor* therefore that is *sensible* (as he says) of the *Load of Guilt and Infamy* the *Charge of the Commons* lays upon him, and whereof *this* is surely the heaviest Part; What does he say to this?

pag 344. He says, if he be guilty he is to answer it at another Tribunal, where he is to be judged by those *Scriptures*.

My Lords, So he is to answer at that great Tribunal for every Branch of this present Charge.

But is *this* all? Is he negligent of his *Reputation* in no other Instance but *this*, that is the *tenderest* and most affecting?

Or will he thus give himself up for a *Falsifyer* of the Word of God, and yet have the *Confidence* to hope for any *Reputation*, or any *Capacity of doing good* in preaching it.

Is it *thus* the *Dignity* of the *Sacred Order* is to be supported.

Is *this* the Cause of the Church, and of Christianity? And are they wound up in the Fate of an *Impostor and false Prophet*?

Pardon the Warmth of the Expression; his not saying a Word to the Charge owns all *this*.

My Lords, It is true (as the Doctor has said) the *Sacred Order*, the Church and Christianity are concerned in this Cause; but 'tis, that they may be clear'd from the *Reproach* brought upon them by *this* unhappy Man.

But if he be *self condemned*, if he dare not open his Mouth on this Subject, how dare he declare his Hopes, that those of your Lordships, whose Studies more particularly lead that way should acquit him?

pag 348. My Lords, He has made an *Appearance* before your Lordships in a manner very extraordinary, not only as in a Defence of a Prosecution, but as in a most solemn Act of Devotion, before the most August Judicature on Earth, appealing to a yet greater in Heaven.

But with what Sincerity! what Candor, or what Sense of that which he has done!

pag 349. I am amazed, that a Person in Holy Orders, in his distinguishing Habit before this awful Assembly, should dare to take the tremendous Name of God into his Lips, and appeal to him for the Sincerity and Integrity of his Heart, at that very time when he stands charg'd with *this black Crime*, and is neither able to repel it, nor has the Sincerity and Honesty to repent,

pent, to take Shame upon himself in the most publick manner, and to ask Pardon of God and the World for it.

But while he can thus, with such Assurance as your Lordships have seen, and now see, face out such a Crime, and be equivocating and playing double with your Lordships, with God Almighty, and his own Conscience; what Regard is to be had to his most solemn Protestations? His manifest Insincerity in this plain Point, leaves him no Credit in any thing; and his having taken the Abjuration Oath, gives me not the least Difficulty, after what I have observ'd of his more solemn Oath before your Lordships.

My Lords, The just Veneration we owe to the Divine Majesty, (for the Doctor's Behaviour has made that now part of the Case) the Honour of Christianity, the Church and its Holy Orders, the Security of the present Establishment and the Protestant Succession, the Safety of Her Majesty's Person, the Quiet of Her Government, the Duty we owe to Her as our Sovereign, the Gratitude for Her most gracious Administration, the Honour of our Prelates, the Obligations we are under to prevent Seditions and Tumults, to undeceive the People, to quiet the Minds of the Protestant Dissenters, and convince them that the Toleration allow'd them by Law is not to be taken away from them, to secure at present, and transmit to our Posterity (as far as in us lies) our Religion and Liberties, and vindicate the Revolution (which is the Foundation on which they stand) and the Glory of our late Royal Deliverer, to whom under God we ow'd it; and to banish Seditious from the Pulpit, which is, and ever ought to be sacred to Divine Purposes, REQUIRE the Commons to demand your Lordships Judgment on this Offender.

But, my Lords, he observes so far rightly, that his Punishment is not all we aim at.

pag 334.

No, my Lords, --- What we expect from your Lordships Justice, is, the Supporting our Establishment, the preventing all Attempts to sap its Foundation, and answering those other great Purposes I have mention'd; and I hope the Clergy will be instructed, not to preach the Doctrine of Submission in such manner as to prepare the way to Rebellion, but to follow the Advice and Example of my Lord Archbishop of York, rather than tread in the Steps of Doctor Sacheverell.

And we doubt not, but that those to whom our Proceedings have been so industriously misrepresented, will see and own the Favour shewn to this Man, in the manner of the Charge; and our Care for the Honour of the Church and Clergy, in singling out for an Example for these impious Attempts against his Country, him that now plainly appears the Shame of his Own Order.

Lord

Lord Nottingham. My Lords, I desire your Opinion, whether I may propose a Question to the Judges *here*.

Thereupon the Lords, being moved to adjourn, adjourned to the House of Lords; and being returned, and seated as before, Proclamation was made for Silence.

Note, During this Adjournment, the Lords on Debate agreed, That the Question should be proposed in Westminster-Hall.

Lord Nottingham. My Lords, The Question I humbly propose to your Lordships, that my noble Lord on the Woolfack may propose to the Reverend Judges, is, Whether by the Law of England, and constant Practice in all Prosecutions, by *Indictment or Information* for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expressly specify'd in such *Indictment or Information*.

Then the Lords were moved to adjourn, and accordingly adjourned to the House of Lords; and being returned, and seated, as before, Proclamation was made for Silence.

Lord Chancellor. I take it, the Question that your Lordships are of Opinion to ask the Judges for them to give an Answer to, is, Whether by the Law of England, and constant Practice in all Prosecutions, by *Indictment or Information* for Crimes and Misdemeanors by Writing or Speaking, the particular Words, supposed to be Criminal, must not be expressly specified in such *Indictment or Information*?

Mr. Baron Lovell. My Lords, I have always taken it to be so, and by constant Experience we have practis'd it so, that all Words and Writings, which are supposed to be Criminal, ought to be expressly mentioned in the Information or Indictment.

Mr. Justice Dormer. My Lords, I am of Opinion that by the Laws of England, and constant Practice in all Prosecutions, by Indictment or Information for Crimes and Misdemeanors by Writing or Speaking, the particular Words supposed to be Criminal ought to be specified in such Indictment or Information, in the Courts of *Westminster-Hall*.

Mr. Baron Bury. My Lords, I am of the same Opinion with my Brothers.

Mr. Justice Tracy. My Lords, I am of the same Opinion.

Mr. Justice Gould. My Lords, I am of the same Opinion.

It

It is our Practice in the King's Bench, and we specify the Words in the Indictment, or it is Cause of Demurrer.

Mr. Justice Blencowe. My Lords, I am of the same Opinion with my Brothers.

Mr. Justice Powys. My Lords, I am of the same Opinion.

Mr. Justice Powell. My Lords, The Law of *England* is certainly so.

Lord Chief-Baron. My Lords, I am of the same Opinion.

Lord Chief-Justice Trevor. My Lords, I am of the same Opinion, that by the Laws of *England* the Words ought to be specified in the Indictment or Information.

Then the Lords Adjourned to the House of Lords, as before.

Note, The Lords did not come again into Westminster-Hall till Monday the 20th of this Month of March; but in order to the Delivery of their Opinions did on some of the intermediate Days come to these following Resolutions, viz.

Saturday, March 11.

Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That this House will proceed to the Determination of the Impeachment of Doctor *Henry Sacheverell*, according to the Law of the Land, and the Law and Usage of Parliament.

Tuesday, March 14.

It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That by the Law and Usage of Parliament, in Prosecutions by Impeachments for High Crimes and Misdemeanors, by Writing or Speaking, the particular Words supposed to be Criminal are not necessary to be expressly specified in such Impeachments.

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That on *Thursday* next, at Eleven a-Clock, this House shall proceed upon the Impeachment of *Henry Sacheverell*, Doctor in Divinity, Article by Article.

Thursday, March 16.

It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That the Commons have made good their first Article of Impeachment against *Henry Sacheverell*, Doctor in Divinity.

Friday, March 17.

The like Questions were severally put concerning the second, third, and fourth Articles, and severally resolved in the Affirmative.

It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That the Commons have made good the Second, Third and Fourth Article of their Impeachment against *Henry Sacheverell*, Doctor in Divinity.

Saturday, March 18.

It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Question to be put to each Lord in *Westminster-Hall* shall be.

Is *Henry Sacheverell*, Doctor in Divinity, Guilty of High Crimes and Misdemeanors, charged on him by the Impeachment of the House of Commons? And the Answer thereunto shall be, Guilty, or Not Guilty, *only*.

Monday, March 20.

The Lords coming down into *Westminster-Hall*, and being seated in the manner before-mentioned, Proclamation was made by the Serjeant at Arms as follows:

Our Sovereign Lady the Queen doth strictly Charge and Command all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made: *Henry Sacheverell*, Doctor in Divinity, come forth, save thee and thy Bail, else thou forfeitest thy Recognizance.

The Doctor appearing at the Bar accordingly, with his Council, as before:

Lord Chancellor. Your Lordships having fully heard and considered of the Evidence and Arguments in this Case, have agreed upon a Question, which is severally to be put to your Lordships in the usual Order: The Question in this; That Doctor *Henry Sacheverell* is Guilty of High Crimes and Misdemeanors charged on him by the Impeachment of the House of Commons.

Lord Chancellor. Lord *Pelham*, What is your Lordship's Opinion; is Doctor *Henry Sacheverell* Guilty of High Crimes and Misdemeanors, charged upon him by the Impeachment of the House of Commons?

Lord *Pelham*, Guilty.

The

The same Question was severally put to the rest, whose Names and Votes are as follow.

Lord *Harvey*, Guilty.
 Lord *Conway*, Not Guilty.
 Lord *Guernsey*, Not Guilty.
 Lord *Halifax*, Guilty.
 Lord *Haversham*, Not Guilty.
 Lord *Herbert*, Guilty.
 Lord *Weston*, Not Guilty.
 Lord *Leimpster*, Not Guilty.
 Lord *Guilford*, Not Guilty.
 Lord *Stawell*, Not Guilty.
 Lord *Dartmouth*, Not Guilty.
 Lord *Ossulston*, Guilty.
 Lord *Osborne*, Not Guilty.
 Lord *Craven*, Not Guilty.
 Lord *Cornwallis*, Guilty.
 Lord *Berkley of Stratton*, Not Guilty.
 Lord *Lexington*, Not Guilty.
 Lord *Rockingham*, Guilty.
 Lord *Colepeper*, Guilty.
 Lord *Byron*, Guilty.
 Lord *Leigh*, Not Guilty.
 Lord *Mohun*, Guilty.
 Lord *Howard of Escrick*, Not Guilty.
 Lord *Hunsdon*, Guilty.
 Lord *Chandois*, Not Guilty.
 Lord *North and Gray*, Not Guilty.
 Lord *Paget*, Guilty.
 Lord *Willoughby of Broke*, Not Guilty.
 Lord *Fitzwalter*, Guilty.
 Lord *Ferrers*, Not Guilty.
 Lord *De la War*, Guilty.
 Bishop of *St. Asaph*, Guilty.
 Bishop of *Normich*, Guilty.
 Bishop of *Chester*, Not Guilty.
 Bishop of *Lincoln*, Guilty.
 Bishop of *Bath and Wells*, Not Guilty.
 Bishop of *Oxford*, Guilty.
 Bishop of *Peterborough*, Guilty.
 Bishop of *Ely*, Guilty.
 Bishop of *Sarum*, Guilty.
 Bishop of *Rochester*, Not Guilty.
 Bishop of *Durham*, Not Guilty.
 Bishop of *London*, Not Guilty.
 Lord Viscount *Weymouth*, Not Guilty.

Lord Viscount *Say and Sele*, Not Guilty.
 Earl of *Islay*, Guilty.
 Earl of *Glasgow*, Guilty.
 Earl of *Roseberry*, Guilty.
 Earl of *Seafeld*, Guilty.
 Earl of *Orkney*, Guilty.
 Earl of *Northesk*, Not Guilty.
 Earl of *Leven*, Guilty.
 Earl of *Wymes*, Not Guilty.
 Earl of *Loudoun*, Guilty.
 Earl of *Mar*, Not Guilty.
 Earl of *Crawford*, Guilty.
 Earl of *Cholmley*, Guilty.
 Earl *Powlet*, Not Guilty.
 Earl of *Wharton*, Guilty.
 Earl of *Greenwich*, Guilty.
 Earl of *Grantham*, Guilty.
 Earl of *Fersey*, Not Guilty.
 Earl of *Orford*, Guilty.
 Earl of *Bradford*, Guilty.
 Earl of *Warrington*, Guilty.
 Earl of *Scarborough*, Not Guilty.
 Earl of *Portland*, Guilty.
 Earl of *Plimouth*, Not Guilty.
 Earl of *Holderness*, Guilty.
 Earl of *Abingdon*, Not Guilty.
 Earl of *Rochester*, Not Guilty.
 Earl of *Nottingham*, Not Guilty.
 Earl of *Berkley*, Guilty.
 Earl of *Tarmouth*, Not Guilty.
 Earl of *Radnor*, Guilty.
 Earl of *Suffex*, Not Guilty.
 Earl of *Carlisle*, Guilty.
 Earl of *Anglesey*, Not Guilty.
 Earl of *Scarsdale*, Not Guilty.
 Earl of *Sunderland*, Guilty.
 Earl of *Thanet*, Not Guilty.
 Earl of *Winchelsea*, Guilty.
 Earl of *Stamford*, Guilty.
 Earl *Rivers*, Guilty.
 Earl of *Berkshire*, Not Guilty.
 Earl of *Manchester*, Guilty.
 Earl of *Westmorland*, Guilty.
 Earl of *Denbigh*, Not Guilty.
 Earl of *Northampton*, Not Guilty.
 Earl of *Leicester*, Guilty.

Earl of Bridgewater, Guilty,	Duke Schomberg, Guilty.
Earl of Dorset and Middlesex,	Duke of Bolton, Guilty.
Guilty.	Duke of St. Albans, Guilty.
Earl of Lincoln, Guilty.	Duke of Northumberland, Not
Earl of Pembroke Not Guilty.	Guilty.
Earl of Derby, Guilty.	Duke of Beaufort, Not Guilty.
Marquis of Dorchester, Guilty.	Duke of Ormond, Not Guilty.
Lord Chamberlain of the House,	Duke of Grafton, Guilty.
hold, Guilty.	Duke of Richmond, Guilty.
Duke of Dover, Guilty.	Duke of Cleaveland, and Southamp-
Duke of Roxborough, Guilty.	ton, Guilty.
Duke of Montross, Guilty.	Lord Steward, Guilty.
Duke Hamilton, Not Guilty.	Lord Privy-Seal, Guilty.
Duke of Buckinghamshire, Not	Lord President, Guilty.
Guilty.	Lord Treasurer, Guilty.
Duke of Bedford, Guilty.	Archbishop of York, Not Guilty.
Duke of Leeds, Not Guilty.	Lord Chancellor, Guilty.
Duke of Shrewsbury, Not Guilty.	

*Then some Time being spent by the Lord Chancellor in num-
bring the Opinions of the Lords:*

Lord Chancellor. My Lords, I have cast them up with as much Exactness as I can; and I find that there are of your Lordships present in all One hundred twenty one; of these Sixty nine of your Lordships have found Doctor Henry Sacheverell guilty of the High Crimes and Misdemeanors charged on him by the Impeachment of the House of Commons, and Fifty two have found him not Guilty.

Then Doctor Henry Sacheverell was brought to the Bar, and kneel'd 'till he was bid to stand up by the Lord Chancellor.

Lord Chancellor. Doctor Henry Sacheverell, The Lords having fully considered of your Case, have found you Guilty of High Crimes and Misdemeanors, charged on you by the Impeachment of the House of Commons.

Doctor Sacheverell. My Lords, One of your Lordships Officers acquainted me, that it was your Lordships Order that neither I nor my Council might have the Privilege of standing at the Bar while your Lordships were giving your Opinions whether I was Guilty of the Crimes laid to my Charge; by which means I was prevented from offering several Matters to your Lordships Consideration in Arrest of Judgment, which I now beg leave to offer to your Lordships Consideration, and I desire my Council may be heard to them.

The first is, That no entire Clause, Sentence or Expression, contained in either of my Sermons or Dedications, is particularly set forth in my Impeachment, which I have already heard the Judges declare to be necessary in all Cases of Indictments or Informations.

I desire to add another Exception, That the Impeachment is by the Knights, Citizens and Burgeses, Commissioners of Shires and Burghs, in the Name of themselves, and of all the Commons of Great Britain; but the Articles are only by the Knights, Citizens and Burgeses, in the Name of themselves and of all the Commons of Great Britain, which is neither agreeable to the Impeachment, nor to the Title of the House of Commons since the Happy Union.

Then the Lords Adjourned to the House of Lords,

Where they took into consideration the Matter moved by Doctor *Sacheverell* in Arrest of Judgment; and thereupon ordered,

That this House will, to Morrow at Eleven of the Clock, take into Consideration what Censure to pass upon the said Doctor Henry Sacheverell.

Tuesday, March 21.

The Lords, upon Debate in the House of Lords, agreed upon the Judgment to be passed in this Case upon Doctor *Henry Sacheverell*, in the Form hereafter mentioned.

Wednesday, March 22. in the House of Lords.

A message was sent to the House of Commons to acquaint them, that the Lords are ready to give Judgment in the Case of *Henry Sacheverell*, Doctor in Divinity, if they with their Speaker will come and Demand the same. 22

Thursday, March 23. in the House of Lords.

A Message was brought from the House of Commons to acquaint the House of Lords, that the House of Commons, with their Speaker do intend immediately to come to the House of Lords to demand Judgment against Doctor *Henry Sacheverell*, and therefore desire that the Painted Chamber and Passage to the House (of Lords) may be cleared. 22

The Messengers were called in and told, the Lords would give Order as desired.

Which was done accordingly.

Then the House of Lords Adjourned during Pleasure to Robe. And

And being resumed,
The Commons, with their Speaker, being present at the
Bar of the House of Lords,
The Deputy-Gentleman Usher of the Black Rod brought
the Prisoner to the Bar, who after low Obeysances made
kneel'd, until the Lord Chancellor bid him stand up.

Then the Speaker said as followeth, *viz.*

My Lords, The Knights, Citizens and Burgeſſes in Parliament aſſembled, in the Names of themſelves and of all the Commons of *Great Britain*, did at this Bar Impeach Doctor *Henry Sacheverell* of High Crimes and Miſdemeanors, and did exhibit Articles of Impeachment againſt him and have made good the ſame.

I do therefore, in the Name of the Knights, Citizens and Burgeſſes in Parliament aſſembled, and of all the Commons of *Great Britain*, demand Judgment of your Lordſhips againſt Doctor *Henry Sacheverell*, for the ſaid High Crimes and Miſdemeanors.

Then the Lord Chancellor ſaid,

Mr. Speaker, The Lords are now ready to proceed to Judgment in the Caſe by you mentioned.

Doctor *Sacheverell*, The Lords having found you Guilty of High Crimes and Miſdemeanors, charged on you by the Impeachment of the Houſe of Commons; and you being thereupon admitted to the Bar, and acquainted therewith, moved two Things in Arreſt of Judgment.

First, That no entire Clause of either of the Books or Sermons referred to in the Impeachment, is ſpecify'd, or particularly ſet forth, in any of the Articles of Impeachment.

Secondly, That in the Title of the Articles Exhibited by the Commons the Stile of the Commons runs thus,

“ The Knights, Citizens and Burgeſſes in Parliament aſſembled, in the Name of themſelves, and of all the Commons of *Great Britain*, &c. Omitting the Words, Commissioners of Shires and Burghs.

I am to acquaint you, That the Lords took theſe Points into Conſideration.

I. And as to the First, they found

That on Occaſion of the Queſtion before put to the Judges in *Westminster-Hall* in this Caſe, and their Answer thereto, their Lordſhips had before fully debated and conſidered of that Matter, and had come to the following Reſolution:

That this Houſe will proceed to the Determination of the Impeachment of Dr. *Henry Sacheverell*, according to the Law of the Land, and the Law and Uſage of Parliament.

And after to this Reſolution;

That

That by *the Law and Usage of Parliament*, in Prosecutions by *Impeachments* for High Crimes and Misdemeanors, by Writing or Speaking, the particular Words supposed to be Criminal are *not necessary* to be *expressly specified* in such *Impeachments*.

So that, in their Lordships Opinion, the Law and Usage of the High Court of Parliament being a *Part of the Law of the Land*, and that Usage not requiring the Words should be expressly specified in *Impeachments*, the Answer of the Judges, which related only to the Course used in *Indictments and Informations*, does not in the least Affect your Case.

II. As to the Second,

Their Lordships finding that in the Act made in the Sixth Year of Her now Majesty, *For rendring the Union of the two Kingdoms more Entire and Compleat*, the Terms *Commissioners of Shires*, and *Knights of the Shires*, *Commissioners of Boroughs* and *Burgeffes*, are used as Synonymous Terms, signifying the same Thing; They were clearly of Opinion there can be no Weight in that Exception, and accordingly Over-rul'd the same; without entring into the further Consideration, how far a Mistake in the Title of the Articles would Viciate or Avoid an Impeachment, if such a Mistake had happen'd.

So that the Lords find themselves oblig'd *by Law* to proceed to Judgment against you, which I am order'd to pronounce.

And in which you cannot but observe an extream *Tenderness towards your Character*, as a Minister of the Church of *England*.

Therefore this High Court doth adjudge as followeth,

That you Henry Sacheverell, Doctor in Divinity, shall be, and you are hereby enjoin'd not to Preach during the Term of Three Years next ensuing.

That your two printed Sermons, referred to by the Impeachment of the House of Commons, shall be Burnt before the Royal-Exchange in London, between the Hours of One and Two of the Clock, on the Twenty seventh Day of this Instant March, by the Hands of the Common Hangman, in the Presence of the Lord Mayor of the City of London, and the Sheriffs of London and Middlesex.

Then the Speaker with the Commons returned to their House; and Doctor Sacheverell being withdrawn,

The House was Adjourned during Pleasure, to Unrobe.

The House was Resumed.

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That Doctor Henry Sacheverell's two printed

printed Sermons, one Preach'd at *Derby Affizes*, and the other at *St. Paul's London*, referred to by the Impeachment of the House of Commons, shall be Burnt before the *Royal-Exchange* in *London*, between the Hours of One and Two of the Clock, on the seven and twentieth Day of this Instant *March*, by the Hands of the Common Hangman, in the Presence of the Lord Mayor of the City of *London*, and the Sheriffs of *London* and *Middlesex*.

cc To the Lord Mayor of the City of London,
and the Sheriffs of London and Middlesex.

The House taking into Consideration a Judgment and Decree of the University of *Oxford*, passed in their Convocation the One and twentieth of *July*, One thousand six hundred eighty three, given in Evidence by Doctor *Henry Sacheverell* at his Tryal, upon the Impeachment of the House of Commons, and thereupon lately Reprinted, It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That the said Judgment and Decree contains in it several Positions contrary to the Constitution of this Kingdom, and destructive to the Protestant Succession as by Law Establish'd.

It is thereupon Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the said Judgment and Decree, lately Printed and Publish'd in a Book or Pamphlet, Intituled, *An Entire Confutation of Mr. Hoadley's Book of the Original of Government, taken from the London Gazette, Publish'd by Authority, London, Reprinted in the Year 1710*, shall be Burnt by the Hands of the Common Hangman, in the Presence of the Sheriffs of *London* and *Middlesex*, at the same Time and Place when and where the Sermons of Doctor *Henry Sacheverell* are Ordered to be Burnt.

To the Sheriffs of London and Middlesex.

It is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Lord High Chancellor of *Great Britain* do give Order for the Printing and Publishing the Tryal of *Henry Sacheverell*, Doctor in Divinity; and that no other Person do Presume to Print the same. And further, That the last mentioned Resolution and Order agreed on this Day, be Printed at the End of the said Tryal.

F I N I S.

Sacheverell, Henry, 1674-1724

The tryal of Henry Sacheverell, before the House of Peers, for high crimes and misdemeanors upon an impeachment by the knights, citizens and burgesses in parliament assembled in the name of themselves, and of all the commons of Great Britain ; begun in Westminster-Hall the 27. Febr. 1709

London 1710

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